John Ogilvie

W. E. Brown

JOHN OGILVIE

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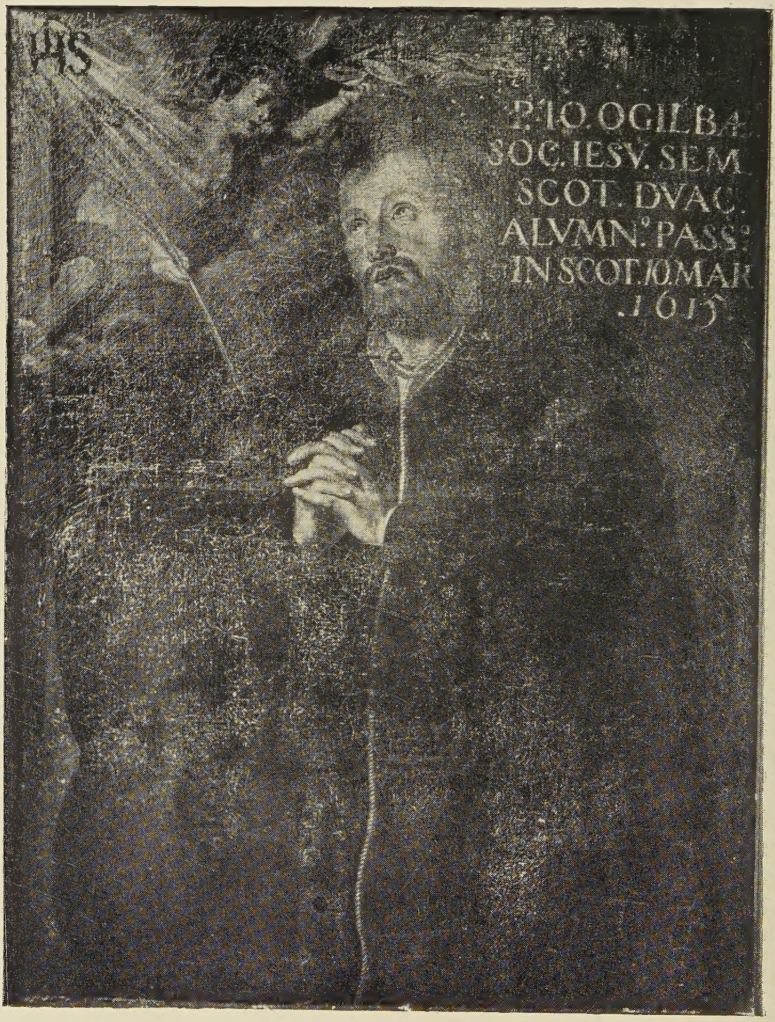

THE DOUAY PORTRAIT

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JOHN OGILVIE

An Account of his Life and Death

with a translation of the documents

relating thereto by

W. E. BROWN

Sometime Lecturer in History in the University of Glasgow

To which is added a translation of the Process of Beatification of 1628 *and* 1629 *by*

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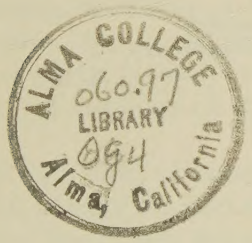

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PREFACE

THE ancient hagiographers, who knew their business, concerned themselves with their hero's death alone. That, after all, was the matter of real importance, for the manner of death determined the martyrdom. But nowadays the silly fashion requires a knowledge of a saint's upbringing and education, and is rather shocked if that is not also saintly. I have bowed to the fashion and attempted to trace the life of John Ogilvie, wherever a record of it was left. The details are few, so that intimate knowledge is impossible. But just because a man's life is partly determined by his surroundings, we can know something of Ogilvie by considering the history of his time. This I have attempted to use. Not, indeed, that I claim to have written a history of the age in which he lived; I have but tried to say how the conditions of that time appeared to him.

In this work I have used, of course, the previously printed biographies, of which the chief is that of Fr. James Forbes, S.J., entitled *Jean Ogilvie, Ecossais, Jésuite*. Some of his conclusions I have been unable to accept. The sources which he uses I have checked with some care, and have added to them others of which a note will be found in my section on the evidence. For the historical matter—in a more general sense—it would be foolish to give a bibliography, as this does not claim to be an *ex professo* history.

I must put on record my indebtedness to Miss M. Cahill,

who had collected much information, and most generously placed it at my disposal; to my colleague Mr. P. McGlynn for his criticisms and his kindness in translating the Processes of 1628 and 1629; to Fr. Kroess, S.J., who gave me much information about the Austrian Province in Ogilvie's time; to Fr. Cooksey, S.J., the Secretary, and the other members of the Scottish Martyrs Committee, who have been most generous and patient. I am deeply grateful to my friend Mr. J. D. Scanlan, for reading the book in proof and for many valuable suggestions.

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PART I
INTRODUCTION

JOHN OGILVIE

CHAPTER I

HIS CONVERSION

To the generation of European men who saw the passing of the sixteenth into the seventeenth century it was given to make momentous decisions for their descendants. Before 1588, the year of the great Spanish effort against England, three of the ancient nations, France, Scotland, and England, had not decided which side they would finally take in the religious quarrels of the sixteenth century. In Britain Protestantism had not yet become a method of thought; in France Catholicism was still but one of the parties into which the nation was divided.

Thirty years later, when the religious wars of Germany began, the English and Scottish nations had become intimately Protestant in their way of thinking as well as in their outward observances. For the next two hundred years Britain was to react on the Europe of politics and culture as the pre-eminent Protestant State. The French people by the same year had decided consciously and definitely to remain Catholic as a nation. Till the revolution of 1789 French colonisation, culture, and influence were predominantly Catholic.

In England and in Scotland the change from the conditions of 1588 to those of 1618 was brought about largely by the direct and conscious action of the Governments. It was found necessary in these countries to use violence in order to destroy active and eloquent Catholicism, and even to prevent a widespread return to the ancient faith.

But till 1684 penal laws and the pressure of police regulations were unknown in France, and long before then the French nation was predominantly Catholic. The reason for this feature of French history, by which it is distinguished from other countries in Europe, must be sought in its experience of the sixteenth century. The third quarter of that century had seen France torn by religious wars. It is true to say that the new religions of that time—and as far as France was concerned this meant Calvinism—were introduced into that country chiefly by a section of the nobles supported by the wealthy mercantile classes of the south and west. Those wars, however, had left France divided in every class of its population and often in every city of its territory. Men of learning, of the plough, and of the workshop, as well as nobles, could be found in the ranks of either party. At the end of this period the leader of the Calvinists was Henry of Bourbon, the heir to the throne, while the greatest strength of the Catholics was the population of the capital city, Paris. The fortune of war had gone largely to the Calvinists, or Huguenots, and their leader was undoubtedly a great general. It seemed certain that the religion of France would be decided by the issue of a battle or a siege. It seemed probable that the decision would be in favour of the Huguenots. Quite suddenly the whole aspect was changed. Henry of Bourbon submitted to the spiritual authority of the Catholic Church, and the city of Paris submitted to Henry's civil authority. How far Henry's submission was intellectually sincere has been disputed amongst historians ever since; it was accepted by the reigning Pope only after long enquiry, and only with considerable hesitation. But it was permanent, and the change which it effected altered the whole history of France, and, indeed, of Europe.

The conversion of Henry proceeded from a conference at St Denis in 1594, when Catholic and Protestant

theologians debated for his intellectual adhesion, and conferences such as this became henceforth a feature of the intellectual life of France. The two great religious parties laid aside the weapons of war and had resort to those of controversy. The rules of debate were drawn up beforehand, as had been the rules of war. The leading orators took the place of the great captains. Collections of ancient texts were ranged as weapons between the combatants, and, when the issue had been fought out, the judges and assessors proclaimed the result throughout France.

The fact of these conferences and the conditions in which they were held made France peculiar in Europe at that time. Nowhere else was it possible for both parties to state their arguments fully and freely, for nowhere else did the necessary conditions exist. In France the greatest offices of the realm could be and were held both by Huguenots and Catholics. Security for Calvinism, which was not the King's religion, was guaranteed, and the expression of it in public was allowed. The adherents of either religion could be found in every rank of society, and there were many who were willing to be convinced. Only in such circumstances can discussions such as these be entirely fair to the arguments used, and only in France did these circumstances exist. There was an attempt, indeed, in Scotland to imitate the conferences. James Huntly, a Jesuit, obtained from James VI permission to meet the Presbyterian ministers in public debate. The Presbyterians could not refrain from claiming that this public expression of Catholicism was illegal by the statutes of the realm. Scotland, who might so easily have followed France, ranged herself with England and Spain, and suppressed the appeal to argument.

Despite the modern belief in the inconclusiveness of debate, there is no doubt that those of the sixteenth century did in France achieve a direct and decisive effect. There were conversions to both sides, but those to the Catholic

were far the more numerous. Pastors of the reformed church, nobles, and ladies, as well as people of the poorer classes, returned in large numbers to the ancient faith during the next quarter of a century. So great, indeed, was this success, and so directly was it due to the debates, that popular Protestant pamphlets gave to the leading Catholic orator—himself a converted Huguenot—the title of M. le Convertisseur.

That process by which France became once more predominantly and intimately Catholic is an important chapter of its history, and not the least of the factors of European life in modern times. It was also the most important factor in the life of a young Scotsman, John Ogilvie, who happened to be in France towards the end of the sixteenth century.

This young man belonged to a family of nobles who had played an important part in Scottish national history. His father had long possessed the barony of Drum-na-Keith in the vale of Isla, and had recently inherited many other territories in Banffshire. He was now the head of this cadet branch of the Ogilvies, and was related to, and had often quarrelled with, the Huntlys, the Elphinstones, and the Gordons. The boy's mother was a daughter of the Lady Douglas of Lochleven, who had been the gaoler of Queen Mary. Through her the boy (he was only fifteen in 1594, the year of the conference at St Denis) was related both to the Douglases and the Stewarts. As in the case of most Scottish noble families of this time, it would be impossible to mark the Ogilvies as specifically Catholic or Presbyterian. The boy's great-grandfather, who was alive when John was born, and was then the very active head of the family, had been comptroller of the household to Mary Stuart both in France and in Scotland. Despite this, he was the supporter and the friend of Mary's half-brother, the Regent Moray, and should probably be numbered with the Presbyterian nobles. Walter Ogilvie of Drum-

na-Keith, the boy's father, seems also to have given his adherence to the new religion, and in 1588 was a commissioner to discover and capture itinerant Jesuits. He was suspected by the presbytery of lukewarmness in this task, and was denounced by them in later years. Though many of his relatives and those of his wife became open Catholics at this time, and though he himself remained friendly with the Catholic nobles, there is nothing to suggest that he ever ceased to practise as a Presbyterian. Among the nobles of Scotland at that time it was quite possible to belong to the Catholic party without ceasing to be publicly a Protestant. At any rate, this Walter Ogilvie brought up his eldest son John as a Calvinist, and as a Calvinist the boy was sent to the Continent in 1592, when he was little more than thirteen years old.

Those who are acquainted with the lives of the men of the sixteenth century will find it little surprising that this young boy was soon caught into the stream of religious enquiry and argument. Nor was it at all exceptional that, after a year or two, John Ogilvie returned to the religion of his forefathers and was received into the Catholic Church out of Calvinism, as the record has it at the Scots College at Douai.

There is no account with Ogilvie's own authority of the path by which he travelled from the faith of his education to that of his forefathers. An account of his trial in 1614, written in Scotland at that time, puts into his mouth a speech which describes this conversion. Whether Ogilvie actually made this speech at his trial may well be doubted, but there seems no reason to doubt that as a statement it came from Ogilvie himself.* According to this account he spent some considerable time in consulting learned men of Italy, France, and Germany, and in doing so he came across the arguments of the Catholic case which were then current. These arguments were determined

* See my note to the Italian narrative, p. 228.

largely by the form which controversy was then taking. Men were not asking that the separate dogmas of religion should be separately established. That type of argument belonged to the middle rather than to the end of the sixteenth century. The work of the Council of Trent and the work of the Jesuits had caused the question to be stated differently. Men were asking themselves in Ogilvie's time: "Who is judge in religious controversies?" Or, as we would more probably phrase it to-day: "Who is the rightful teacher in matters of faith?" The matter in dispute concerned the credentials of the claimants rather than the nature of their teaching.

As far as the Catholics were concerned their arguments can be summarised as two, that of the tradition and that of the unity of the Catholic Church. Of these the greatest emphasis was then laid on tradition; Catholics insisted that from the time of Christ down to the time of Pius V there was an unbroken spiritual tradition. They insisted that in the succession of spiritual generations which constituted the history of the Catholic Church, no one of them had altered the heritage of its immediate ancestor. They claimed, therefore, that there had been no change in that teaching, and that, if the Protestants appealed to patristic theology, they were ready to show it consistent with that of Trent. They opposed this unbroken tradition to the newness of Calvinism, which could claim no heritage of more than fifty years' standing.

The test of unity was already being applied by Catholics in Ogilvie's time even though it had not been developed or expounded in the way which Bossuet made famous a century later. Catholics were already maintaining that their faith had not only remained unchanged from century to century, but that it had always been one in the face of the whole world, and that it had always been complete. With this they compared the beliefs of the Protestants, the sects of which were as numerous as their leaders, and

the faith of each one of which had already been modified within its fifty years of existence.

These two arguments were common knowledge to educated men in the sixteenth century, and Ogilvie must have known of them. In the account of his conversion they are put first amongst his reasons. His use of them as stepping-stones to the Catholic Church does not differentiate him from many others of his time. What is intimate and important in his case is that these arguments were not the final ones for him. For men trained to use their intelligence and will together they were then often convincing; for this boy of fourteen they were merely disquieting, and he began to doubt the wisdom of acting on his own opinion.

So great was the torment caused by this intellectual struggle that he withdrew himself from controversy. He did so not in agnosticism but with a boyish spiritual confidence. He relied, he said, on two texts of the sacred Scriptures: "God wills all men to be saved and to come to the knowledge of the truth," and "Come to me, all who suffer and are laden, and I will refresh you." It may be that this devotion to the Scriptures led him to the great Jesuit commentator on the Scriptures, Cornelius à Lapide, whose catechumen Ogilvie became. In the final decision, however, the boy was actuated by motives which distinguish him amongst the crowd of converts who were flocking to the Catholic Church in the France of his day. He saw, he said, that the Catholic Faith could embrace all sorts of persons—Emperors, Kings, Princes, and nobles; it was greater than them all. This magnificence of the Catholic Church, which claimed to be and had ever been above all earthly dignitaries, satisfied him, as it had satisfied Augustine, of the greatness of its mission. He saw too, he said, that in the Catholic Church was to be found the true and perfect virtue of despising the world, and that this was to be found amongst all classes of Catholic men. He could

see this, indeed, in the life of the France which he knew; nobles and ladies of princely birth were becoming monks and nuns for the love of God. A religion of such power and able to inspire such high virtue appealed to him by this as well as by other testimonies. And the last motive which he mentioned, and the one on which he dwelt, was the testimony of the martyrs. Those who had shed their blood for Christianity, who by their deaths had brought civilisation to Christ, who were honoured throughout time and throughout Europe, had died for the faith of Rome and not for that of Geneva. It was in order to be in the church of the martyrs that John Ogilvie became a Catholic. Twenty years later he also was to die as they had died.

CHAPTER II

HIS TRAINING AS A JESUIT

JOHN OGILVIE was received into the Catholic Church in the Scots College at Louvain in the year 1596. Though he did not become a novice of the Jesuits till more than three years later, his life during that three years was spent in one or other of the centres of Catholic education on the Continent. It is perhaps a little strange to the ideas of the twentieth century that a change of religion should be accompanied by a change of education, but at the close of the sixteenth century the connection was regarded as normal. Men did not regard the Catholic Church, or indeed any religious body, as an association merely for common worship or for teaching a set of dogmas. The training of the mind and the will of their adherents was accepted as part of their claim and, indeed, of their duty. To ignore this fact nowadays is to miss the truth of sixteenth-century history.

The provision of education by the Catholic Church was a heritage of preceding centuries. During the troublous times of the Dark Ages she had preserved as much as possible of the ancient learning. In the Middle Ages the Universities and schools, the great systems of philosophy and law, were created or developed by Pope and clergy, by monk and friar. The revenues of the Church and the patronage of the Papacy inaugurated and made possible that development of European culture which is known collectively as the Renaissance. When some of the European rulers separated from the Roman Church in the sixteenth century and enforced this separation on their subjects, an immediate, though unforeseen, effect on education was the destruction of the flower of Renaissance culture. This

was notably the case in England and in Scotland. The Governments sent commission after commission to the Universities and expelled all those who were found to be teaching Catholic doctrine or Catholic philosophy, or who were openly desirous that the old religion should return. These efforts had to be repeated: so intimately had learning been united to Catholic thought that a profound study of contemporary philosophy led men back to a faith which they had denied, and lecturers, appointed as Protestants, became after a few years guilty of Popery in the eyes of government officials. To quote but one example, the University of Cambridge was thrice purged of Papist lecturers in the reign of Queen Elizabeth, and these recurrent visitations of the Universities had led almost to the destruction of learning in the Protestant kingdoms.

With the seizure of endowments both of colleges and of schools at this time, which also proceeded indirectly from the religious changes, this formed one of the severest blows from which the tradition of European culture has suffered. For about the space of a man's lifetime it seemed possible that University life in Protestant countries would cease altogether. But there were many Protestants who deplored the attitude taken, for instance, by Luther towards secular learning. The wishes of these ultimately conquered, but the Protestant Governments, though willing to restore education, were determined that it should be purged of Papist tendencies. In the Universities and schools anti-Catholic tests were imposed for professors and students, and the Continent was in consequence enriched with learned men who were exiles for their religion, while those parents who desired a Catholic education for their children had to send them abroad.

At the same time the Catholic Church had chosen learning, her ancient gift to medieval Europe, as an instrument for the reconquest of those many souls who were, during the sixteenth century, lost to her obedience. Her

children sought in the creation of new Universities and in the more diligent application to study to find new methods of bringing others back to the religion of their forefathers. Among these newly created Universities was that of Douai, a town which then stood in the dominions of the Emperor and which, from its position, stood as an outpost against the Protestantism of Scotland, England, and Holland, who had become the most bitter enemies of the Catholic Faith. At the request of the Archduke it was inaugurated by Papal Bull in 1562 as a centre of studies, and soon became a centre for Catholic students from those countries where the practice of their worship was forbidden. Here it was that Dr. Allen founded an English College in 1568, and here, too, the Scottish Jesuit Fathers in 1594 brought the Scots College after its peripatetic existence in France. Owing to political troubles this college was removed in 1595 to Louvain so as to be in the territories of the Emperor Charles V, and here it was that John Ogilvie was received into the Catholic Church and encountered the tradition of Catholic learning.

The record of his life for the fourteen years which intervened between his reception and his ordination to the priesthood is very meagre. He enters on a new course of study, he is transferred from one place to another, he learns here and lectures there; these bare details are all that are written. The effect of these years on his mind and character is thus difficult to measure. But it is so important (for during this period Ogilvie grew from a boy of seventeen to the mature manhood of thirty years) that, in the absence of specific information, the general effect must be studied. Each of the institutions in which Ogilvie learnt had its own positive character: to insist on that character alone would normally be unhistoric, for such a method omits the defects and faults with which each institution abounded; but as far as Ogilvie is concerned it is this character of each institution which is most

important, and as he regarded them favourably, so also must those who try to see the world through his eyes.

His experience in the Scots College at Louvain was in a way peculiar to that particular age. Although the college was organised by the Jesuits, its character was determined less by that than by the fact that it was staffed and attended mainly by those who belonged by birth to one or other of the noble families of Scotland. For such an environment John Ogilvie was well suited. He came of a noble family, and of a family whose members had long been famous for their courage and chivalry, virtues on which the Scots nobility peculiarly prided themselves. These baronial families had of necessity to be warlike, even more, and certainly at a later date, than those of the southern kingdom. Royal authority in the kingdom north of the Tweed had never achieved such peaceful order as it had elsewhere in Europe and it remained to the barons to suppress robbers and to protect their own followers. To this cause, no doubt, was due in chief measure the continuance of private war as a normal condition of Scottish life long after it had come to be rebellion elsewhere in Europe, but to it also, no doubt, were due the hardy qualities of the Scottish nobles.

John Ogilvie came of ancestors who, like the one who fought at Harlaw, "stout and manful, bauld and wychte," were famous amongst these nobles, and this ancestry would receive full recognition at the Scots College of Douai. There the young man would learn how his country and his family had been formed by Catholicism. He would learn to regard the Faith as his birthright, and would learn that no power on earth might deprive him of that birthright. At the most impressionable time of his life (he was seventeen years of age) he would learn that it was Protestantism, and not the Catholic Church, which was alien to the Scottish national tradition. It was in this spirit that, when he stood before the King's judges many years later, he was able to proclaim his attitude:

"I am my father's firstborn. . . . I can take a noble's place by birthright. . . . We owe the King the obedience our ancestors gave him; why does he seek for more than his inheritance? His ancestors neither had nor claimed spiritual jurisdiction, nor professed other faith than that of the Roman Church."

The colleges of the exiled Catholics were hampered by lack of funds and by those national quarrels which must always afflict exiled peoples. It was the second of these causes which forced the English College to leave Douai between 1578 and 1593; it was the first which caused Fr. Creighton, the head of the Scots College, to disband many of his pupils, and Ogilvie among them, in 1598. In June of that year the young man went to study with the Scottish Benedictines at Ratisbon. Their house of studies—not for the priesthood, but for laymen—was an old-established one in this ancient city, and Ogilvie found there an atmosphere very different from that of Louvain. Though many Scotsmen had become Benedictines in Bavaria, and though the prior of this monastery was also Scotch, yet a Benedictine foundation bore always the mark and character of the rule rather than of the nationality of its members. The Benedictine monks were landowners, and therefore associated with the social life of the neighbourhood, but in the later Middle Ages they had seldom entered into the political life of the country where they were settled. They had succeeded in maintaining this isolation even in the troublous times of the sixteenth century, and so they kept true to their watchword of peace. Within their walls flourished much sound learning, and though, being withdrawn from the world, they had not yet made full use of the new enthusiasm for classical studies, it must be remembered that a great deal of the laborious collections and transcriptions necessary to the Transalpine Renaissance took place in Benedictine communities.

At Ratisbon, then, Ogilvie came into contact with a

Catholic institution very different from that of the Scots College of Louvain. Older than the sixteenth century, it took him for a time out of the passions of his age; self-contained and extra-national, it taught him a Catholic habit of life which was independent even of the traditions of his country. It was a sound basis for that serenity of outlook which so impressed those who watched him during the last weeks when he was awaiting a criminal's death.

With the Benedictines John Ogilvie spent about six months in the study of the arts, which included then the chief Latin authors and something of music and astronomy. At the end of the year he joined the Jesuit College at Olmütz as a lay student. From then onwards his life was bound up with this Company of Jesus, which was at the height of its fame. It was little more than a half-century old, but already it had become the most powerful instrument of the Church for the recovery of her lost provinces. Its members, trained by the methods laid down by its great founder Loyola, were especially suited to the peculiar conditions then prevailing in Europe. They had been intended originally for missionary work abroad, but they found ready opportunities amongst the people around them, and they were disciplined as an army for that work. The generals of the Company had set no limited objectives in the warfare against the enemies of the Church. Each member must go forward as far as his strength allowed in the work to which he was set; he must rely on his superiors and on the Papacy to co-ordinate and use the work of all. The Company was, as its members proudly proclaimed, the light cavalry of the Church militant: to them was the task of penetrating far into the enemy country, of risking their all that others might follow, of forcing the enemy to deploy his forces, of meeting the enemy first and fighting him to a standstill, of defending the Church by attacking her foes. Already in the country where Ogilvie had been studying with the Benedictines the Jesuits had done great

work. They had reconverted Austria and Bavaria, they were still struggling for Bohemia. Their very energy and their readiness to use new methods had made them suspect to the older established orders as well as to many of the secular clergy; they had conquered often by the stoutness and virtue of their lives, but they had not spared the faults of Catholics, lay or ecclesiastic. They were the best hated of all the children of the Church. But they had gathered to their banner some of the finest intellects of the Europe of their time. Campion from England, Laynez from Spain, Cornelius à Lapide from Flanders, were but a few amongst many famous as much for their learning as for their devotion. The courage of their martyrs, the learning of their doctors, had made the Jesuits famous in the Europe of that day. After less than a year of his studies at Olmütz Ogilvie, with some other young Scotsmen, sought to be enrolled in their Company.

Almost at the very moment of his decision an unforeseen difficulty arose; owing to an outbreak of the plague it became necessary to close the College at Olmütz, and Fr. Ferdinand Alberi, Provincial of the Jesuits in Austria, sent away all his pupils in the city, including those who had expressed a desire to join the Company. Ogilvie was not to be defeated by circumstances; he did not accept this plague, as Alberi apparently did, as sufficient reason for delaying his entry into the Society; he followed the Provincial to Vienna and obtained there the necessary consent to the course he had resolved upon. The preliminary probation and arrangements occupied a little time, but on November 5, 1599, Ogilvie became a novice of the Company of Jesus at Brunn, and for the next ten years his life was identified with that of the Austrian Province.

At the end of the sixteenth century the religious problem of Europe began to undergo a subtle change. Till then the protagonists on either side could rely on the fact that

their hearers knew the background of the controversies, knew something of the history of the Catholic Church and of the genesis of Lutheranism, Calvinism, and the other Protestant sects. The normal education of Europe had been much the same for all men, and the choice of religion was not yet pre-determined for each man by his early training. But at the end of the sixteenth century this condition was beginning to be no longer true. Children were being brought up from childhood in ignorance or hatred of the Catholic Church, and the understanding of her teaching, which had formerly been imbibed with civilisation, could no longer be looked for. It was in these circumstances that the Jesuit order gave themselves up very largely to the great work of the education of youth.

All over Europe, but particularly in those places where the struggle with heresy had not yet been drawn to a conclusion, they founded schools and colleges where the youths entrusted to their care might receive the best education that the learning of the day could give, and might receive this education consistently with, and indeed as part of, their education in the Catholic Faith. They looked to build up a generation of Catholics who should be cultured and yet sure of their faith, and, by preserving one of the greatest temporal treasures which the Church had given to society, they looked to draw men, even against their prejudices, to respect and admire the Church. The success of the Company of Jesus in this venture is written large across the educational history of seventeenth-century Europe, when the majority of the greatest thinkers, writers, and artists were trained by the Jesuit Fathers. When Ogilvie joined the Society the venture was still at a comparatively early stage in the Austrian Province. The Fathers of the Society had recently collected and collated the methods of teaching employed all over Europe, and from these researches had formed that admirable *institutio et ratio studiorum* which was to be the basis of their

intellectual discipline for the next two hundred years. It was now being put into force in all those colleges which the energy of Ferdinand Alberi had founded in so many towns beyond the Rhine, and Ogilvie himself was one of the first of those who were formed on its plan. He remained two years in the noviciate of Olmütz, under the direction of Fr. Novarella. His cultural, as distinct from his spiritual life, was devoted probably to further training in the classics and in logic. From Olmütz he went on to Gratz. There he took the first vows as a Jesuit on December 26, 1601, and there, for three years or more, he studied philosophy and rhetoric, while at the same time he taught some elementary classes. When the rigorous philosophy course was completed with success Ogilvie, still a layman, was sent to Vienna, where, during 1606 and 1607, he taught grammar and literature. The discipline of teaching was even greater under the Jesuit system than that of study, for the professor was bound to give his instruction practically without notes and to summarise it himself, and to invite and answer objections to his teachings. At the conclusion of his two years at Vienna Ogilvie must have felt himself well trained in the dialectics of worldly wisdom, and as sure of himself and his opinions as a course of professional teaching can make the unfortunate who gives it. When he had sufficiently acquired this donnish confidence he was sent back to Olmütz, not as a teacher but as a pupil, to pass for three years through a shortened course of theology and to learn, no doubt, in the process, a little intellectual humility for himself and his opinions.

This ten years of Jesuit training was responsible for much of Ogilvie's intellectual development. It made him a ready, polished, and enthusiastic controversialist. Even the Protestants who disputed with him in after-years readily acknowledged the keenness of his wit, and the speeches recorded of him, terse and to the point, show clearly that the training in rhetoric had left its mark on

his mind. There was, however, another side to this ten years' course of study. The Jesuits had never put their trust in intellectual training alone. All members of the Company were required to develop their spiritual life and the exercises of their founder were admirably devised to this end. Day by day Ogilvie had to spend some time in meditation on divine things, and though his intellect could be freely used in this he would never be allowed to regard it as a merely intellectual labour. The very exercises themselves forced him to that personal religion, that personal communion with God and the saints, which was then the hall-mark of the Jesuit. In the Austrian Province, particularly, Ogilvie would learn an intense devotion to the Mother of God. Nowhere else, perhaps, did the Sodalities, founded by the Company of Jesus for the honour of his Mother, flourish so amazingly and nowhere else, perhaps, were they so necessary in recovering lost territory of souls for the Church. Novarello, who was Ogilvie's novice master, was particularly famous for this devotion, and from him Ogilvie learnt to manage these associations of boys and youths devoted to the Mother of God, which the Society had founded in the chief cities of Austria, and of which mitred and princely abbots were proud to be prefects.

In the German provinces of the Church it had ever been difficult to inculcate her doctrine and practice of chastity. There the habitual sins had always been of the flesh, and the peoples of these countries had been known throughout Europe on this account. The sins of the people amongst whom they lived, and from whom they were drawn, naturally affected the clergy. The Church's rule of a celibate priesthood had never, before the sixteenth century, been completely and habitually enforced in Germany, save amongst the religious orders. Even some amongst the bishops were given to this vice of unchastity. The German laity, perhaps because of their own frequent

indulgence, were more critical of it here than elsewhere in Europe. While the men of the Latin countries could understand and pardon a lapse, while they could look for other virtues besides those of chastity, to the men across the Rhine this was the compelling and commanding virtue. Men who were chaste were men of God: for the German this was the supreme virtue, perhaps because he could scarcely imagine it. For this reason the formation of the sodalities of our Lady was particularly fruitful in their conversion. They saw, in the Jesuit Fathers, priests who moved about in the world and who were yet, even by repute of their enemies, without reproach on the score of chastity. They saw these same Fathers, through the sodalities, inculcate in their pupils such a love for the Immaculate Virgin that they also remained chaste, even in the years when it was most difficult to do so. It was by their sodalities, as much as by their colleges, that the Jesuits recaptured so much of Germany from heresy. Ogilvie was famous for his work in these sodalities; the histories of the Austrian Province, written by those of the next generation, all insist on this fact, and any attempt to delineate his character must include an account of his devotion to the Mother of God. He learnt it at Olmütz, at Brunn, at Gratz; he did not forget it in Scotland. There, too, he knew there was the same difficulty as had reigned in Germany, and the most bitter and most justified accusation against the Catholic ecclesiastics had been their neglect to lift the banner of chastity amongst a people who could admire even if they would not practise it.

During these ten years in the Austrian Province of the Society of Jesus Ogilvie was undergoing a rigorous discipline. Renaissance learning and scholastic method were combined into an intellectual training consistent and, so far as knowledge then went, complete. His spiritual life was being formed by a discipline no less severe. And all this time he was learning pre-eminently that discipline of

the will which was the hall-mark of the Jesuit, which guaranteed the readiness of his obedience and his detachment from all local ties. The Company required him not only to be happy as an exile, teaching in a foreign land and seldom hearing his mother-tongue, seeing and hearing nothing of his family; they required him also to form no permanent ties, no love of a home even in his exile. The young Jesuit was sent from place to place, from one group of brother Jesuits to another, and he was bound to give himself wholly to his work wherever he was sent. So they taught him obedience, and so they taught him detachment. So he learnt that in the face of militant Protestantism the unity of the Church and the direction of Peter were more important than any of the old local traditions or the localised Catholic institutions. So he learnt to throw himself whole-heartedly into whatever work his superiors gave him to do.

This was John Ogilvie's training. When he went to Paris in 1610 and had his eyes turned once again to his native land, his character was formed. He had learnt at Louvain the Catholicism of his national traditions; he had learnt at Ratisbon the serenity which the Benedictines in vigour or in decay always gave; he had learnt at Brunn and Gratz and Vienna that his national traditions were important because that nation was part of a Christendom waiting for reunion; that his serenity and detachment must be practised in a world of strife and violence and for the conversion of that world. He had learnt to use and control his strongly developed individuality and impetuous spirit for the service of the Church and the work which the Company gave him to do.

Most Jesuits of the sixteenth and seventeenth centuries stand out with marked characteristics; they are devotedly obedient to their rule, but they are strong and individualised personalities; they are intensely national; they are

intensely Catholic. Such qualities do not, of course, define a man's character. But they are an important part of it and perhaps they are characteristic of a type. If it be so, then John Ogilvie, who received the order of the priesthood in Paris in 1610, was a typical Jesuit.

CHAPTER III

HE PREPARES FOR THE SCOTTISH MISSION

By the express command of Acquaviva, the General of the Jesuits, John Ogilvie was sent from the Austrian to the French Province in 1610. He joined Fr. Elphinstone, his relative and senior in the Company, at Prague and with him proceeded to Paris. There Ogilvie was ordained a priest, probably soon after his arrival, for the normal custom of the Jesuits was to arrange for ordination immediately the three years' theology course was completed. From 1611 to 1613 he was attached to the Jesuit house at Rouen, and letters from the General of the Jesuits were addressed to him there.

These three years of Ogilvie's life have hitherto been neglected by his biographers. In 1610 he was teaching in Vienna, in 1613 he was sent as a missionary to his native country; the intervening period is left blank. Unless the records of the house of Rouen come to light this lack of information must largely remain, but one important and formative influence on Ogilvie's life can be sketched during these years. Till 1610 his Catholic interests and his work had been unconnected with Scotland. During his residence in France he was learning to think about the affairs of his country. He was meeting during this period those Jesuits who had recently undertaken missionary work in Scotland, he was in consultation with Scottish Jesuits who were directing that work, and he was sending to the General and receiving from him letters anent that work. It was through Jesuit eyes that Ogilvie viewed the recent history of his country, and his views of Catholic missionary work there were formed either in line with or in opposition to those of other Scotsmen of the Company.

The head of the Scottish Jesuits at this time was James Gordon whose headquarters were at Bordeaux. He was an old man, seventy at least, and had spent most of his life as a Jesuit and most of it in sudden raids on the Scotland which was steadily becoming more Protestant. There he had argued with the King, with the nobility, with the ministers, and he was a well-known figure in the capital, and, indeed, in most of the eastern ports of the country. He never forgot, and those who knew him did not forget, that he was by birth a relative, however distant, of King James VI, and, still more important, that he was the uncle of the reigning Marquis of Huntly. There were at this time two other Scottish Jesuits whose experience in the affairs of their native country gave them an importance second only to that of Gordon himself. William Crichton, who had been head of the Scots College at Louvain when Ogilvie joined it, was older even than his superior Gordon, and, like him, had taken an active part in the politics of the last fifty years in Scotland, England, and France. He was always sure of his own opinion, and believed firmly in the efficacy of any plan in the making of which he had taken part. In his old age he tended to be a little garrulous, and for some years he had inclined to despise Gordon's judgement.

Crichton and Gordon were both in France when Ogilvie arrived. The priest in charge of the mission in Scotland was Patrick Anderson, a man still under fifty. He was summoned to France in 1611 by Gordon, and so it was from him that Ogilvie could obtain the latest reliable information about the affairs of religion in Scotland. Unlike Gordon and Crichton, Anderson seems to have been of plebeian birth, and their attitude to him is summed up in a comment which Crichton had made to the Jesuit General six years earlier: "This good Father is much too headstrong."

It was but natural that the Scottish Jesuits, who were

exiles in France, should discuss ways and means by which the ancient faith might be restored in their own country. In 1611 they had a more compelling motive to meditate thereon, for the General of the Jesuits had written to Gordon on January 3 bidding him "take into consideration the affairs of Scotland." Crichton was expressly associated with his superior in this work by the General, and Gordon summoned Anderson to France to assist them. Elphinstone and Ogilvie, and possibly others, were asked also for their opinions. The three leaders set to work then to construct a typical Jesuit plot of the seventeenth century. They sought to decide on the means and the men suited for the task which the General had in mind; they did not discuss the merits of that task, or indeed its nature, for each of them understood clearly enough what it must be. It was the task at which every Scottish Jesuit aimed and for which each of them plotted: it was the task of converting their country to its ancient faith.

It was in council with these men that Ogilvie learnt first to consider seriously the reclaiming of Scotland for the Catholic Church. They had been set to work at a hard problem. On the one hand their country was fortified against their faith by laws which proscribed it, and in general this proscription was enforced, even though there had been short periods of intermission. The majority of the inhabitants of Scotland, and in particular the secular rulers, the King and the nobles, had accepted the situation so created, and there was a large and extremely powerful section who demanded the rigid administration of these penal laws. On the other hand, the Jesuits knew that there were a few who ardently desired the restoration of the Catholic Faith, that there were more who would welcome the sacraments of that Faith, and still more who would not object to its toleration. Add to this knowledge the passionate devotion of these Jesuits both to Scotland, for

they were ardent patriots, and to their Faith, and their belief that only with the Faith restored would true national prosperity return, and something of their dilemma may be perceived. The anti-Catholic laws were now fifty years old. If the Jesuits rushed into Scotland a much sterner persecution of Catholics would ensue, and the last remnant of devout Papists would be destroyed. If the Jesuits left the situation alone, a generation would be brought up with no knowledge of Catholicism, or only that which a distorted teaching could supply, and the faithful remnant would die without the consolations of their religion. Great prudence therefore was demanded in the choice both of men and means for the missionary work which the General contemplated. In council the Jesuits set themselves to a review of their missionary activity in Scotland in the past, trying to see why they had failed, and hoping maybe to get some guidance for their immediate task. Their report, signed by Crichton on September 29, 1611, was forwarded to the General; it may or may not be an accurate historical judgement, but it was with the knowledge acquired from this and similar accounts that Ogilvie reached forward to his life-work.

The first page of Crichton's report shows quite clearly the policy which he had followed in Scotland for many years. He had been sent there in 1583 to see what help the Society of Jesus could give to the Catholic cause. He found that those nobles who were Catholic had, with one exception, submitted to the tyranny of the ministers and had joined in such Presbyterian worship and signed such declarations as would give them security of life and property. Nevertheless, Crichton decided to act first with the nobility because, as he wrote, " the whole power of the kingdom depends on them." Through them he hoped to secure the education of the King as a Catholic, and so the return of the nation to the Catholic Faith.

At the moment of Crichton's arrival the two aims which

he set for himself were scarcely separate or separable. The King, James VI, was scarcely eighteen years old, and though the kingdom was nominally governed by a regent, the Duke of Lennox, it was in reality in the hands of one or other of the warring groups of nobles. It was they and not James or his mother who had decided that he should receive instruction as a Presbyterian. If Lennox and a sufficient number of the nobility would decide for the Catholic cause, then the King would be brought up as a Catholic; if they were beaten by their opponents he would continue a Presbyterian. It was a contest in which, whoever won, James's own opinions could not be consulted.

Crichton found his work easy enough at first. Lord Seton, the one Catholic noble who had not denied his faith, arranged for the priest to see the Regent. On three successive nights a secret interview took place, and on the third Lennox signed an agreement whereby James should be sent abroad to be educated as a Catholic, if such education could not be provided in Scotland. It was a pretty scheme, but required money, and for this Crichton looked to the Pope, Gregory XIII. He realised, however, (so he phrases it in 1611), that the Pope would not expend his treasure on the bare word of Fr. Crichton, and so he refused to go without a written agreement with Lennox. With this precious document he sailed to France and showed it to his superior, Fr. Tyrie, and to James Beaton, the Archbishop of Glasgow. They were delighted, thinking the long-drawn struggle of the Catholics was coming to a happy close, and the document was forwarded to Rome. Gregory XIII agreed to the scheme, and Philip of Spain, the constant, conscientious, and unhappy meddler in Catholic affairs, insisted on being allowed to contribute to the expenses. At this stage the whole plan broke down, for the delays of the Roman Curia and of Catholic diplomacy proved fatal to it. In the words of Fr. Crichton, " They discussed for two years in Rome what should have been

completed in two months in Scotland." Rumours of the arrangement reached Elizabeth of England and from her, or independently, the Scottish nobles also heard of it. The capture of King James at Ruthven Castle either synchronised with this knowledge or may have been inspired by it. Lennox was exiled, and, like so many of those who displeased Elizabeth of England, died shortly afterwards.

All this was, of course, long past history in 1611, but it showed the way by which Crichton approached his missionary task. The normal procedure for converting the nation was, in his opinion, to secure political power for Catholic nobles, and to convert the King to the Catholic Faith. Nor had one failure convinced the Scottish Catholics that there was anything wrong with their methods, for the young King allowed them to believe that he was only biding his time to throw off the irksome rule of the ministers. Fr. Holt, an English Jesuit, who seems always a little too ready to accept gossip at its face value, visited Scotland at this time and was told by a Protestant noble that the King intended, as soon as possible, to grant liberty of worship to his Catholic subjects and that he was urging the Lords Gray and Fintry not to conceal their efforts on behalf of the Catholic cause. All this Holt reported, and in consequence Archbishop James Beaton wrote from Paris to Rome urging that some Scottish Jesuits should again be sent to Scotland. Gordon and Crichton were selected, and Crichton's narrative in 1611 deals with their adventures at some length. On their way they were discovered and seized in Holland. After various adventures Gordon was allowed to escape, but Crichton was handed over to Elizabeth to serve for the next three years a not uncomfortable imprisonment in the Tower of London. He put into his narrative of 1611 a long and, no doubt, faithful account of all that happened to him there, of the plans that he made, and of their importance. But as far

as Scotland and its affairs are concerned, the pages of this narrative might be skipped until Gordon's name appears. The latter introduced methods different indeed superficially from those which Crichton had used, but methods which rested on the same fundamental assumptions. His first act on reaching Scotland was to convert his nephew, the Marquis of Huntly, a task which presented no great difficulty. Through this nephew he secured an audience of James, who was already beginning to show that taste for the dialectics of religion and its politics for which he is so justly famous. From then on Gordon worked for the conversion of the King, or to secure at least the royal patronage for public debates on religion. According to Fr. Crichton, one experience of this was enough to convince James that Gordon could argue better than the Presbyterian ministers; in fact the King himself had to take up the work of theological exposition to save his clerics from abject surrender. He then ordered that no discussion should take place on these matters save in the royal presence. He allowed arrangements for such debates to be made, but on the day of meeting slipped away on a hunting expedition, and the unfortunate Gordon was thus to be baulked of his prey. The King, however, reckoned without the Jesuit; Gordon took horse, followed to the hunt, and tried to convert James on horseback. It is scarcely surprising to find that shortly afterwards Gordon was allowed to proceed north and hold public disputes on religion whenever he could find noblemen interested enough to listen.

Gordon explored in this way a new avenue to the conversion of his native country. He did not, like Crichton, rely on secret political manœuvres, but sought to secure, under the royal protection, that toleration for the ancient faith which would follow from its being treated as a matter susceptible of open and free discussion. But fundamentally Gordon's method was not unlike that of his

brother Jesuit: he worked through the nobility, who alone could give efficient protection to such discussions, and he worked for the conversion of the King, although, now that James was older, it was no longer possible to talk of sending him to France to be educated as a Catholic. And Gordon's scheme had the same weakness as Crichton's: it depended on the strength of the Catholic nobles. At first he was successful; a famous discussion with George Hay, a cultured Presbyterian minister, resulted in the conversion of a number of the northern nobility, including the Earl of Errol. This very success aroused the Presbyteries, whose denunciations of Catholics, and of Jesuits in particular, increased in violence. More effective was Elizabeth's alarm lest James should formally allow toleration to the Catholics. With her aid the exiled Earls of Angus and Mar, the leaders of the English faction, returned to Scotland in the autumn of 1585, at the head of an army. They seized the King and forced him to sign an alliance with Elizabeth which bound him to maintain the Protestant faith in Scotland or, to put it more crudely, to persecute the Catholics. Gordon's public discussions were heard of no more.

Elizabeth's sudden, cruel, and, on the whole, impolitic murder of Mary Stuart in 1587 afforded an opening in Scotland for a different line of procedure. It awakened in many Scotsmen, and not only in Catholics, a hatred for England and for the English alliance, and a respect for the alternatives, a Spanish alliance and tolerance for Catholics. This revulsion of feeling synchronised with the return of Fr. Crichton from England. He recognised that the conversion of the King was now a doubtful matter, and so concentrated his attention and that of his superior, Fr. Edmond Hay, on building up a pro-Catholic party amongst the nobles. He boasts that this plan was very successful; not only were those who were Catholics at heart confirmed in their faith, but many Protestant nobles,

Hamilton and Bothwell being their leaders, were willing to join with him in securing toleration at least for the Catholics. His boast is confirmed, curiously enough, by the careful observations of the English statesman, Cecil, who in 1592 made a note that the whole of the north of Scotland was solid for the Catholics, and who found it necessary to mark down many noblemen as practising Papists. The first effort of this toleration party was made in the year 1592, when the leaders wrote to James assuring him of their loyalty and asking his permission for faithful Catholic subjects to practise the old faith. James replied that it was easier to approve than to carry out their schemes, and urged them to disband their armed following. It should no doubt have been clear to Crichton and Gordon at this stage as well as to their chief supporters that they could not rely on the support of James if such support involved any risk for himself. That they do not appear to have come to any such conclusion is clear from the Spanish Blanks affair of 1592. They then arranged with Philip of Spain to send an armed force to Scotland sufficient at any rate to protect the King against the Protestant nobles, when he granted toleration for the Catholic religion. This was in December, 1592, and the Catholic party made a point of not asking for more than toleration, and undoubtedly believed that the King was not opposed in any way to their plan of action. The discovery of the plot led to the execution of the Laird of Fintry and the declaration of forfeiture against the Earls of Huntly and Errol, who refused to appear before the Privy Council for examination. The ministers and the Protestant nobles were urgent with the King to proceed severely against all Catholics; not only did they demand the full execution of the sentence against the Earls, but they demanded the outlawry of every man whom the Kirk declared to be a Papist. The very urgency with which these demands were pressed, and particularly the riot which the ministers

stirred up in Edinburgh, and which endangered James's liberty, and perhaps his life, determined the King still more to clemency. It was his hatred of the Presbyterian tyranny over himself which no doubt prompted him to send Gordon and Crichton to Rome at this time. And the bargain which Crichton believed to be contained or implied in the King's letter was the granting of liberty of conscience to all Catholics in return for various considerations, mainly financial, from the Pope. With a papal legate and a large sum of money the two priests returned in July, 1594, only to find that during their absence the King had consented to the fiercest acts of persecution against the Catholics, and had entrusted to the young Earl of Argyll the task of subduing Huntly and Errol, who were still at the head of their armed following.

James's character for secrecy or deception was by this time well known, and the situation did not mean necessarily that the policy of Crichton and Gordon had failed. In the engagement at Glenlivet which followed shortly afterwards Huntly and Errol defeated Argyll, and they could no doubt have maintained their power for some time. James, however, was very friendly with them, and on his persuasions, and with the promise of security for their property and their clansmen, they consented, in April, 1595, to go into exile for six months. Gordon and Crichton were not at first molested, but, as the ministers continued to denounce them, James insisted that Gordon at least should also leave the country. Before taking this step Gordon begged the King to be allowed one more public conference with the heretic ministers, and offered his life as the stake of the debate. The ministers refused, and Gordon had to depart in silence.

This exit of Gordon and Crichton in 1595 brought to an end what may fitly be termed the first phase of Catholic activity in Scotland during the quarter of a century which was under review in 1611.

The work of Gordon and Crichton did not, indeed, cover the whole Catholic effort, nor did Crichton omit an account of other priests who were working on different lines. John Dury had settled in Dumfries in 1585, and had converted the Governor, Lord Maxwell, and a great number of the inhabitants. At Christmas of that year he was able to celebrate the full Catholic Liturgy in an empty monastery outside the town, and seems to have continued his public ministrations down to his death in 1588. William Ogilvy and Robert Abercromby had arrived in 1586 and were teaching the faith, the first in Glasgow, the second in Edinburgh, after Gordon and Crichton left Scotland in 1595. In 1587 their ranks had been strengthened by the arrival of Alexander McWhirrie, a young and energetic Jesuit, and Alexander Seaton and Andrew Crichton, who were secular priests, came about the same time. All these had given themselves to work which was definitely localised. They settled in a particular district and ministered chiefly to those who were not of noble birth. But Crichton was undoubtedly right in putting his own work and that of Gordon into the foreground. While the laws against Catholics were still severe, while it was a capital offence to say Mass, and even to hear it, while these laws were enforced, even though intermittently, more could be done for the re-catholicising of Scotland by work amongst the Catholic nobles and with the King. If the King would determine for toleration, then the local work would be easy and fruitful; if the nobles would combine to force toleration, then again the people would listen. Gordon and Crichton were justified not only by their reading of the social structure, but even more by the temporary successes they obtained. Again and again it seemed that even though they did not convert the King to the ancient faith, they would at least obtain permission for others to practise it. Their error, which they could not have seen in this first phase, lay in misjudging the King's character

and the devotion of the Catholic nobles. In the very years when success seemed within their grasp the King was developing those traits for which he was afterwards famous: an acute and dialectic-loving intellect, a supreme intention to ensure his own safety, comfort, and importance, and an utter carelessness of the sufferings of others if they stood in his way. At the same time none of the greater nobles had the makings of a martyr, or was ready to fight to the death for his Catholic heritage.

This inherent weakness of the plans which Gordon and Crichton had formed was made abundantly clear in the second phase which covered roughly the years from 1595 to 1606. The Catholic lords were forced to accept into their houses Presbyterian ministers who were to be allowed opportunities to preach their doctrine, and were to be admitted specifically with a view to preparing Huntly, Errol, and the rest to submit to the established Protestantism. No doubt these nobles believed that this implicit admission of their errors was harmless enough, and that it was wiser to purchase peace at the price of passing annoyance. At the same time James, to secure a respite from the clamour of the Protestant nobles, agreed to insist on the submission of the Catholics to a Protestantism in which they did not believe. He wrote to the Marquis of Huntly in 1597: "Deceive not yourself to think that by lingering of time, your wife and your allies shall get you better conditions. I must love myself and my own estate better than all the world, and think not that I will suffer any professing a contrary religion to dwell in this land."

The pressure of the King and the worry of their inquisitors overcame the will-power of the Catholic Earls, and on June 29, 1597, Huntly, Errol, and Angus subscribed to the (Protestant) Confession of Faith. Father Gordon had returned to Scotland a few weeks before this defection was made public, and he saw at once that it meant the ruin of all his hopes. "Catholics everywhere,"

he wrote to his General, "yielded to grief and terror; every day we heard of some deserting their faith either by interior defection or at any rate in outward profession. The ministers triumphed openly." Gordon's sentence might well be the motto for the next six years—the ministers triumphed openly.

The King's personal admiration for Fr. Gordon and the influence of the latter's relatives enabled him to stay in Scotland for a short time, and even to engage in dispute with some ministers at Aberdeen. But his opponents were now all-powerful, and despite his attempts the conference was not public. As a means of conversion it was useless. The same personal prestige enabled him to return to Scotland again two years later, to reside in the neighbourhood of the Court, and to meet many of his old friends and relatives. The very friendliness with which he was received and the kindly tolerance with which James now treated the ageing Jesuit show clearly that they did not fear his efforts. James himself had chosen his religion—it was that which should have for its reward the crown of England—and without the prestige of public conferences or a strong and devoted party of nobles, the work of Gordon, as planned by himself and Crichton, was weak and ineffectual.

In these circumstances the burden of Catholic work fell on those priests who had not attempted the spectacular work of the two leaders. William Murdoch, who practised both as physician and priest in the west, Abercromby and McWhirrie, who worked the east coast, were able to minister to their little congregations amongst the bourgeoisie of the towns and the scattered faithful of the glens. They did so in circumstances of appalling danger. Denounced by the ministers, sought for, pursued, and hunted by royal officers, and even more by Bowes, an agent of Queen Elizabeth, they were able to carry on their work only at the risk of their lives. Curious as it may sound to

an age which has forgotten such conditions, the danger of death was not so irksome as the appalling and constant discomfort. Abercromby, heroically braving death to minister the sacraments to his flock, found time to complain to the General: "We dare not enter an inn except after dark, nor leave it again until the next night comes on. This is rather hard on me, since I completed my sixtieth year on the Feast of our Lady in the past Lent. A hot meal would be a luxury to me, even though I am uncertain of my life every mile I go."

The conversion of the Queen to the Catholic Faith—Abercromby received her into the Church in 1600—did not alter their position materially. James's attitude to the matter made it impossible for it to have any real influence on other Catholics or would-be Catholics. That attitude is perhaps best expressed by James's bed-time conversation with his wife when she announced the fact to him. His only answer, according to Abercromby, was: "Well, wife, if you cannot live without this sort of thing, do your best to keep it as quiet as possible; for if you don't, our crown is in danger." And Anne faithfully followed her husband's counsel.

Despite this persecution Fr. Gordon, who had retired to France, still seemed to keep his faith in the good intentions of the King. He was buoyed up, no doubt, with the wish and the hope that when James succeeded to the English crown—a prospect which was becoming daily more certain—he would grant relief to Catholics from the secure stronghold of London in gratitude for their peaceful and loyal support of his succession. That this belief was widespread amongst the Catholic nobles—or rather amongst the nobles who would like to be Catholics—seems certain, but it was a belief which the keen-witted but plebeian young Jesuit, McWhirrie, did not share. He had at first been surprised and delighted with the apparent friendliness of the King, and reported to the General that James

was disposed to wink at their proceedings. This was in February, 1601. Before the year was out he had seen through the royal motives, and analysed the royal character in trenchant but true terms. "The King," he wrote in a report of the state of Scotland in 1601, "is not only the cause of all the evils which have afflicted the country during the greater part of his reign, but continues to support, protect, and increase them. His language consists almost entirely of blasphemy or heresy. The single object of his ambition is the crown of England, which he would gladly take, to all appearance, from the hand of the devil himself, though Catholic and heretic ministers were all ruined alike, so great is his longing for that regal dignity. He hates all Catholics, except so far as he can make use of them for furthering his design of securing the English crown. Fear of Catholic ascendancy, or the hope of obtaining the favourite object of his ambition, might some day make him a hypocrite; but only a great miracle of God's power and an extraordinary inspiration will ever make him a Catholic in reality."

The accession of James VI to the throne of England in 1603 confirmed McWhirrie's reading of the situation. Fr. James Seton reported to the General two years afterwards that "the persecution in Scotland does not cease or lessen since the departure of the King." It was perfectly true that the nobles in whose hands James had left the government of his native country were Catholics. The Earl of Montrose (who was Viceroy), the Lord Seton (who was Chancellor), the Lord James Elphinstone (whose brother was a Jesuit), were all of the ancient faith at heart. They did not form, however, any sort of Catholic direction to the country or vary the administration of the penal laws. The most influential of them, the Chancellor, Lord Seton, was typical of the rest. "He publicly professes the State religion, rendering external obedience to the King and the ministers, and goes occasionally, but rarely, to their heret-

ical communion. He has also subscribed their confession of faith, without which he would not be able to retain peaceable possession of the rank, offices, and estates with which he is so richly endowed. Two or three times a year he comes to Catholic confession and Communion with his mother, brother, sister, and nephews, who are better Catholics than himself."

Fr. Crichton had set out in 1583 to convert the nobles " on whom all the power of the kingdom depends." Many were now converts and held the highest offices of State, and their relatives were better Catholics than themselves, while the persecution did not cease or lessen. Fr. Crichton himself came back to Scotland in 1605, and, though he did not cease to urge the Catholic nobles to combine in defence of their faith, he seemed in his letters to put more emphasis on the need and work of individual conversions which was being so nobly carried on by the Jesuit Fathers, Abercromby and Murdoch, and the secular priest, Andrew Crichton, all of whom were now nearing seventy, and were physically exhausted.

When Fathers Gordon and Crichton were compiling their summary of past events in 1611, they found little to say about the period subsequent to 1606. For them it was merely a continuation of the long spell of defeat which they date quite clearly from the defection of the Catholic Earls in 1597. For them it was merely a period when persecution was sometimes more bitter, but sometimes slept. Huntly, Angus, and Errol had been received into the Church again, and again in 1609 Huntly had signed the Presbyterian Confession of Faith. Errol remained in prison for refusing; Angus was in perpetual exile for the same reason. They knew it, too, as the period when Dunbar ruled Scotland for James and destroyed very largely the power of the presbyteries, replacing them by perpetual moderators who were Crown nominees, and who in 1610 received consecration from three Anglican bishops.

All this, however, Gordon and Crichton thought not worthy of record. Presumably they did not see in it anything of importance for Catholic Scottish history, but there came into their narrative the ominous entry of 1610 that Andrew Crichton was tried and exiled for denying the royal supremacy. Though the older Jesuits did not recognise the fact, a third phase had begun, and this a phase where it was not the Protestant nobles nor the Presbyterian ministers who were to be feared, but the Caesarism of the State and the King's majesty.

Of this change the good Fathers knew little or nothing. Crichton had been in Scotland in 1605 and saw that conditions were as bad as they could be. The King had established in Scotland a squadron of cavalry specially charged to apprehend rebels, and under this title were included determined Catholics. But the charge against them was, in Crichton's mind, that they refused obedience to the ministers. Abercromby, who left Scotland finally in 1609, saw only the horror of the persecution: "The system of persecution followed is first to excommunicate the Catholic landowner, who afterwards is either banished from the country, or sent to prison and deprived of all his goods. If the wife be a Catholic, she is excommunicated and her husband is not allowed to keep her in the house; and if the husband is a heretic, the ministers and magistrates allow him to take another wife, according to the present laws of the country. Should the children or the servants be Catholic, they are likewise excommunicated, and the parents are obliged to turn them out of the house." Abercromby saw clearly that the importance of the penal laws, whose enforcement was being demanded and arranged by the General Assemblies under the guidance of Dunbar, lay in their disruptive effect on the Catholic families. He did not apparently realise the manner in which they would be applied against captured priests. Both these Fathers were now very old men, and their minds perhaps were not

alert to the new situation, but even Patrick Anderson, a man of forty, who was the only permanently resident Jesuit from 1607 to 1611, did not apparently realise that the governmental persecution would be other than that caused by the old direct hatred of the Presbyterians for the Catholic Faith. This persecution seems to have become more and more bitter right on till the death of Dunbar, the Viceroy, in 1611. It was so fierce that the French Ambassador in London wrote home that the fate of the Scottish was still more deserving of pity than that of the English Catholics. In the southern kingdom wealthy Catholics could compound for their recusancy, and, by paying a substantial fine, could be in a position which enabled them to assist the priests who laboured for the ancient faith. In Scotland the persecution knew no such indulgence; it was so fierce that even the Jesuits, who did not spare their men, recalled Abercromby in 1609, and it was because of this fierceness that Gordon seized the opportunity of recalling Patrick Anderson in 1611 in order to consult about future operations.

Such was the substance of the report which the labours of the Jesuits produced in 1611, and which Crichton signed and forwarded on September 29.

It was a hurriedly drawn document, and may, indeed, lack a just sense of perspective, but it was the first reply of these Jesuits to their General's command to " take into consideration the affairs of Scotland." The General, indeed, had been moved to action by a request of the Earl of Angus for the sending of more Jesuit Fathers. " And I entreat Your Reverence," he had added, " to send none but such as both desire, and are able to bear with a courageous heart the burden and heat of the day. For by our new law it is provided whoever receives a priest into his house or is present at Mass or celebrates is held guilty of high treason." The historical summary which Gordon and Crichton compiled had not only confirmed

these statements but had convinced its authors of the futility of every plan adopted in the previous five-and-twenty years. And this very historical method had paralysed their wills; they could suggest no feasible plan for the reconversion of Scotland. In fact this historical account was the sole positive result which the General obtained from his subordinates. He wanted them to suggest men and means, and in two years they could not do more than offer a record of past failures and use it to veto any suggested plan.

It is easy to laugh at them, but the problem had been, and was in 1611, one of great difficulty. They had to deal with a country where the laws were on the side of their opponents, where their religion was proscribed, and where the means to show Catholic worship and Catholic life to the people were destroyed. They had to deal with a people whose King and whose nobles had mainly accepted a Church vigorous and alien and opposed to their own, and a people who were ready as a body to follow the lead of their secular lords. On the other hand, they believed, and had every reason to believe, that many of the lords and people, and perhaps the King himself, had not always been opposed to the return of Catholicism. And they were conscious themselves of intense patriotism and intense devotion to the Catholic Church; in their minds the two passions worked to one end, and they could not understand those who thought otherwise. Gordon and Crichton were under an additional difficulty; they had taken an active part in the affairs of their country twenty-five years ago and intermittently ever since. They were conscious in themselves of no change, they were not ready to suppose a change in the attitude of their countrymen. But Ogilvie was a young man, and knew of the past struggles only as he heard of them from those older than himself. As he heard the story of Crichton and of Gordon, or read the reports of other Jesuits, he was less likely to be over-

whelmed by the necessity of following earlier methods or oppressed by the failure of earlier attempts. He learnt during these two years, from Crichton's report and the conversations of his brother Jesuits, about the Scotland he had left twenty years before, and he formed during these years an independent and very vigorous judgement as to the manner of reconverting it.

These very discussions in which he took part concerned the activities of those whom he had known at Louvain many years before. When he first joined the Scots College, Fr. Crichton was its rector. Thomas Abercromby and Patrick Anderson had been fellow-pupils, though considerably older than himself. Alexander Seton was at Louvain but still a Calvinist when Ogilvie left, and now he was talked of as a veteran of the Scottish mission. Desirous, perhaps, of rivalling the exploits of his friends, Ogilvie believed that his journey to France was but a stage on the way to Scotland; he wrote on May 4, 1611, to Fr. Moffat, another friend of the Louvain days, that he had been chosen for that work. Letters took five or six weeks to reach Rome, where Moffat was now stationed. Ogilvie, then, did not look for a reply till the beginning of August. It came, but not from Moffat. The latter had shown Ogilvie's letter to the Jesuit General who did not look with favour on the making of headstrong plans. He sent Ogilvie a brief note reminding him that he had for immediate superiors Gordon and Crichton, and that he was to do nothing but what they commanded. And, to make the situation still clearer to the young man, Gordon also was informed of his indiscretion.

This first rebuff seems to have quieted Ogilvie for a time. The tone of Crichton's "Account" probably annoyed him, but it was not till the end of the year that he summoned courage to enter a protest. He then wrote to the General urging that danger should be no reason for holding back, and offering himself to go on the mission.

He still found that Jesuit discipline was stern; the General's reply, dated January 30, reminded him that only those chosen by their superiors would be sent, and that he had been called to France for consultation only, and not with any view to work in Scotland.

Still Ogilvie's letter must have made a favourable impression, for the General sweetened the pill by applauding the enthusiasm of the writer and promising to consider his opinions. Nor was this mere kindness, for on the same day the General wrote to Gordon and Anderson drawing their attention to Ogilvie's desires.

The dilatory methods of the older Scottish Jesuits were exhausting their General's patience. He wanted men for the task, not jeremiads on the condition of Catholics in Scotland. On March 27, 1612, he wrote again to Gordon bidding him think of suitable men, and mentioning by name many who might do; Ogilvie was in this list, but as yet the General was not considering his claims seriously, for he received but a bare mention while others were discussed at some length. Four days later the General thought of another source of advice and wrote to Alberi, the Austrian provincial who had had the training of many Scotsmen; in this letter Ogilvie was not even mentioned.

A letter from Gordon crossed that of the General. It was, indeed, concerned with men, but as yet Gordon could come to no positive decision; only he had decided against the claims of both Ogilvie and Elphinstone.

On June 10 the General acknowledged this letter without comment, and Ogilvie, if he knew of the correspondence, must have been a disappointed man. By July, however, the General had still received no decision, though he had received other letters from Gordon. He then ignored the earlier decision and bade Crichton, Anderson, and Gordon jointly to consider whether Ogilvie should go to Scotland. Whatever reply they made it was not of the kind that Ogilvie desired, and towards the end of

September he tried again to convince the General himself. His former plea had been that danger was no bar, and this had been rejected. But in the summer of 1612 Dunbar, who ruled Scotland and persecuted Catholics in the King's name, was dead, and the penal laws were for the time being inoperative. It was, Ogilvie urged, a heaven-sent opportunity; there was comparative peace for Catholics, and missionary priests could easily enter the country. He begged the General that he might be sent, and that he might have permission to read heretical books, and thus to prepare for arguments with his fellow-countrymen. Acquaviva, who was General at this time, was still cautious; he doubted whether Ogilvie's information about Scotland were correct; experienced Jesuits thought the peace would be but temporary; in any case Ogilvie must obey his superiors, as without doubt he intended to do; he must ask Gordon's permission to read the books, but (and this passage was underlined) he might tell Gordon that the General had no objection to the granting of such a licence. Ogilvie pondered this letter for a fortnight, and on January 11 wrote again. He restated all his arguments, and then suggested an alternative plan of a mission to Denmark. Again the General's reply was kind; he was grateful for and appreciated Ogilvie's plans, both as regards Scotland and Denmark; he reminded him that many experienced priests thought otherwise, and was sure that Ogilvie would in all matters obey those in authority over him.

Meanwhile Anderson, Crichton, and Gordon were at their wits' end. Anderson was willing to go to Scotland, but only if he might go alone. The other two refused to hear of it. No doubt Crichton thought again: "This good father is much too headstrong." Last of all, Gordon, now nearly eighty, decided that he alone was suitable for the mission, and accordingly he wrote to the General suggesting his own name. Though it was courageous

enough, for Gordon realised fully and perhaps exaggerated the dangers of the undertaking, it showed only too clearly that the head of the Scottish Jesuits was not competent to make a decision on the problem to which the General had set him. Acquaviva must have realised this when, after more than two years, they were no nearer a feasible plan than they had been when told "to take into consideration the affairs of Scotland." Accordingly, on May 21, the General wrote rejecting Gordon on the score of age, and giving it as his opinion that Ogilvie and Anderson should go. There were difficulties in the way of sending Anderson, so, after a few months' negotiations, his place was taken by Moffat, the friend and correspondent of Ogilvie in Rome. In the autumn of 1613 Ogilvie received what he had worried and intrigued for for two and a half years—orders to go to Scotland and reconcile as many as possible to the Catholic Church.

CHAPTER IV

HIS MISSIONARY LABOURS

In the early seventeenth century the British Government was very viligant to prevent Catholic priests from coming into its territories. Not only was a watch kept in the home ports, but agents abroad reported any gossip of the despatch of missioners, together with descriptions of their appearance.

In the autumn, then, of 1613 John Ogilvie, Jesuit priest of Rouen, disappeared, but at almost the same time John Watson, who could pass either as a soldier from the European wars or as a horse-dealer (trades not then dissimilar), made the passage from France to Leith in Scotland. There were two others on the same boat whose professions must also have felt strange to them, for the Jesuit Moffat, Ogilvie's friend of many years, and Fr. Campbell, a secular priest, were travelling with Ogilvie to Scotland. The three managed to enter their country without being discovered, and immediately separated. Campbell went to Edinburgh, Moffat to the Lowlands (he was captured at St Andrews a year later), and Ogilvie to the north.

The conditions of Catholic activity in Scotland were somewhat different from those which John Ogilvie envisaged at Rouen. There he had fully realised the dangers to be encountered, and realising them had fought hard against the cautious counsels of his superiors. In Scotland he must soon have found that dullness and difficulty, rather than danger, were the constant companions and chief enemies of the missionary Jesuit.

He had come to a land where only a few bourgeois families were ready to harbour the proscribed priest, where

the Catholic nobles were lukewarm, and wanted only to be left alone. Certainly he found the administration making spasmodic efforts to stamp out any remains of papistry; they had been urged by royal letter in 1612 to proceed against all persons "tainted with that leprosie." But as a rule these efforts left no trail of glory for the persecuted. James VI, wiser than Elizabeth in this regard, wiser in this than in his treatment of Puritan and Presbyterian, had decided that by exile rather than by death he could purge his land of any remaining loyalty to the old religion. The captured priests were unceremoniously bundled out of the country instead of being allowed the fame and the glory of martyrdom. They were required to take an oath to abstain from returning; to refuse it might mean death, to take it was not a denial of the faith; many priests held themselves bound therefore to take this oath when captured, and faithfulness to their mission meant, in consequence, not a heroic facing of danger but an inglorious evasion of the King's officers. James and his servants had found, too, that economic pressure could strangle better than the hangman's noose. Captured Catholics among the laity were deprived of their goods, deprived of society, deprived of their families; and the sufferings of the outcast roused less Catholic enthusiasm than their execution as traitors would have done. To work in conditions where concealment was a virtue, amongst people whose only desire was secrecy, and when the prospect of discovery was not death and glory but failure and misery, was the task which Ogilvie found; and it was a task fit to daunt and depress that enthusiastic but still very youthful spirit.

Very few details have been collected of Ogilvie's life during the next six months. Even of his movements little is known. His own deposition, made later on to the King's judges, shows that he spent six weeks in the north of Scotland—a vague enough term; after that he

was apparently in Edinburgh for the winter, and while there visited the house of William Sinclair, an advocate of Parliament and a Catholic well known to the wandering priests. It is probable that Ogilvie did not reach any great degree of intimacy with the hidden Catholics of the Scottish capital during the winter. Sinclair, who gave evidence in the process of beatification, refers very differently to the two periods when he met Ogilvie, and Sinclair was a lawyer and a Latinist who knew the value of words. When he refers to the winter of 1613 the details are few, but when he refers to the summer of 1614 he emphasises by contrast how he ate and drank with the Jesuit, assisted at his Masses, and heard him preach. There is no mention in any of the accounts preserved of Ogilvie's labours, of converts made by him in this first winter in Scotland. It is possible that he found it difficult to take up the threads of Catholic activity; the few Catholics of Edinburgh would be chary of giving their confidence at once to a strange and somewhat youthful Jesuit, for much, as I have said, depended not only on the faithfulness but on the prudence of Catholic priests.

It is difficult, then, to avoid the impression that these first six months of Ogilvie's apostolic labours in Scotland were something of a failure. At least we know that he turned aside from them and attempted the methods so dear to the hearts of the earlier Jesuit missioners.

He went to London in February, 1614, and immediately got into touch with James VI, or with one of his ministers, proposing some sort of political or semi-political project. The air was full of them at this time; almost all of James's ambassadors and agents wrote long letters to the Government discussing how some project or other would affect beneficially the King's relations with the other Courts of Europe. Ogilvie's scheme was probably one of these, and he thought, no doubt, that it would greatly aid in the reconversion of Europe. Whatever it was, this scheme has

now been lost. Ogilvie thought it important enough to justify a special journey to Paris at Eastertime (the end of March), 1614, in order to consult his superior, Fr. Gordon. Then, perhaps for the first time, he learnt the sternness of Jesuit discipline. Fr. Gordon thought and said that the scheme was but slight excuse for leaving the mission work, and sent the unfortunate Ogilvie back to Scotland as quickly as he could go. He had chosen the grindstone for himself and the Jesuit discipline kept him to it. The discipline, too, was probably not less pleasant for being administered by a man whose judgement was not of the best. The General of the Jesuits did not by any means share Gordon's opinion of the scheme; not only did he write to Ogilvie in appreciative terms—and Jesuit generals did not scatter compliments to their spiritual children—but he wrote of it in similar terms to Gordon himself. Even so Ogilvie had to go back to Scotland.

He took up his work again in Edinburgh and now made the house of William Sinclair his headquarters. Here he often found a Franciscan, also an Ogilvy, though probably not of his own branch of the family. With this Franciscan he ministered to the little Catholic community who met together at Sinclair's, and at the houses of John Philipps and Robert Wilkie. Ogilvie became famous for urging the Catholics in and out of season to greater devotion and, despite his urgency, he had large congregations at the Masses which he celebrated in these houses. At Sinclair's he was probably occupied as well in teaching his host's eldest son, Robert, who was then six or seven years old. The younger boy, Roger, was still too young for set instruction. Seven years later both boys went on to Ogilvie's old college, and the elder one became a Jesuit.

The ordinary duty of a mission priest was not sufficient to satisfy Ogilvie's desire for action. He penetrated, disguised, even into the prisons to visit such Catholics as were there, to comfort and encourage them. In this work

which was dangerous in the extreme, for all visitors were carefully watched, he even climbed to the forbidding castle, and sought and obtained permission to see the aged Sir James MacDonald, who remembered his kind offices long years afterwards.

During the summer months of 1614 Ogilvie made some converts to the Catholic Faith. William Sinclair asserted some years later that, considering the shortness of time during which Ogilvie laboured, the number of these might be regarded as very large indeed. Though Sinclair gave no names with regard to these Edinburgh converts, it is again to be remembered that he was a lawyer and a man who, as his statements show, was careful to weigh the exact meaning of every phrase. The omission of names is easily explained by the conditions of the time. Catholics were forced to practise their religion secretly, and on the maintenance thereof depended their livelihood and perhaps their lives. To avoid giving information to the ubiquitous agents of the Government they avoided the mention of names even to one another.

It should not be supposed that Ogilvie attempted to argue with every acquaintance concerning the relative merits of Calvinism and Catholicism. Such a method would have been fatal to any missionary priest. All his converts were probably already acquainted in some degree with Catholic teaching, had possibly at some time practised the Catholic Faith, and required therefore only to be "untaught," as the phrase ran, the heresy they had accepted of recent years. Such folk would be known to the practising Catholics, and probably through the latter the Jesuit missioner would be brought to them.

In the latter half of August, 1614, Ogilvie began to extend his labours to Glasgow. He was taken by his namesake, the Franciscan, to the house of Marion Walker in that town. This heroic widow, who eventually died in prison for her religion, had established a sort of head-

quarters in the west, where itinerant priests might say mass and hear confessions.

Here Ogilvie, in the words of the contemporary Calderwood, found "better receipt than he looked for." His work developed along two lines, which he managed to keep separate. He got into touch with Sir John Cleland and Lady Maxwell, who were both secret papists; through them he met many of the Renfrewshire gentry and reconciled several of them to the Catholic Church. That is really all that is known of this branch of Ogilvie's labours in the west of Scotland. It was well attested by Sinclair and other witnesses, and was referred to as matter of vague but common knowledge on one or two occasions during Ogilvie's trial. But the Jesuit refused to give any details even under torture, and the Renfrewshire gentry were able to keep their own secrets.

At the same time Ogilvie was building up, or rather rebuilding, a Catholic congregation amongst the bourgeoisie of Glasgow. The names of some of these were discovered later by the magistrates, and they were brought to trial; from their depositions the methods of Ogilvie can be in some measure reconstructed.

He already knew from previous missioners and from Marion Walker the names of those who had been Catholics in the past. It was very difficult to work with them for the laws of the realm had forced them into many a curious position. The leading family, for instance, the Heygates, formed a curious household. The father and mother were secret Catholics, and the eldest son, Robert, who was about the same age as Ogilvie, was also one. But the old people were bringing up the younger son, James, as a Protestant, and Robert kept his own wife in ignorance of his religious practices.

To Robert's shop Ogilvie went on his first visit to Glasgow and, after buying a roll of paper, introduced himself as a horse-dealer. Heygate knew Marion Walker

and had probably been told by her the real profession of his new acquaintance, but he took care not to refer to it nor to enquire the name of his customer. The two then went across to the house of one James Stewart, a friend of Heygate's intimate enough to discuss religion with him and who had asked Heygate to introduce him to a priest. While at Stewart's, drinking "a chopine of wine," the horse-dealer announced that he had intended going to Kyntyre to buy a horse, and asked Heygate to do so for him. If Stewart suspected anything he made no curious enquiries, but Heygate understood well enough to ride to Sir John Cleland's with the message of the horse-dealer and to warn his friends to be in readiness to hear Mass in the near future.

The company which collected to meet Ogilvie at Marion Walker's a few weeks later had been brought together largely by Heygate. Thomas Forret and Mathew Adam were both known to him as former penitents of Fr. Murdoch.* Both had since conformed to the State religion, but now reluctantly consented to meet the priest. A William Menteith who, when a servant of the younger Lord Ker, had been instructed in the Catholic Faith by the Lady Agnes and the Lord Archibald Douglas, knew from Heygate that Thomas Forret also was a Catholic; from the latter he heard of the place of meeting, and came of his own accord. James Forret, a brother of Thomas, was sent for by Ogilvie a day or two before the Mass, the messenger being a maidservant of Marion Walker's. He also consented to come, but only after some argument. Heygate came with John Mayne, a friend of his own age, who, like himself, had been a practising Catholic for some time. There were a few others assembled, but as their depositions have not been recorded, it is not known how Ogilvie got into touch with them.

* Or of another missionary priest. My identification of the Dawnie of the prisoners' depositions with Fr. Murdoch is a mere guess.

The attitude of these men to the Jesuit (only at this Mass did he tell Heygate that he belonged to this order) differed considerably. Heygate himself, Mayne and Menteith, knew what was forward; they made their confessions and waited for Holy Communion. But the two Forrets and Mathew Adam had first to be convinced of their duty. Ogilvie must have been very persuasive, for they all three finished by making their confessions and waited for the Mass, at which Heygate served. There was a considerable risk in the bold course adopted; Ogilvie knew the instability of character of the men with whom he was dealing, and, as a matter of fact, several of them afterwards recanted. The Forrets refused to come to the Masses which Ogilvie celebrated later, and, with Adam, offered to abandon Catholicism as soon as they were put on trial. Another of those present, Archibald Muir, who stood his trial, was exiled and took Ogilvie's diary to France, but returned, recanted, and received the King's pardon in 1616.

Ogilvie was incurring considerable risk in dealing with such men, but even more dangerous was his next step. He returned to Glasgow about the middle of September and sought to convert the James Stewart whom he had already met in Heygate's company. They again discussed religion over "a chopine of wine," and were joined by Andrew Symer, a Protestant friend of Stewart's. To these men, who were not and had never been Catholics, Ogilvie revealed his profession, and if they had been so inclined they could have denounced him to the magistrates. Neither of them was convinced by Ogilvie's arguments, even though Stewart accompanied the priest to the yard of Marion Walker's house. He knew, and possibly Symer knew also, that Mass was to be said there two days later, but they could not be persuaded to come. Ogilvie trusted his life to these two men, relying not on their sympathy but on their honour, and his judgement was not misplaced. It was not by either of them that he was betrayed.

Early in October Ogilvie received news of five others who, in Glasgow, desired to be reconciled to the Catholic Church. He bade farewell to William Sinclair and his family for what, though none of them knew, was the last time. He arrived in Glasgow on October 3, and stayed this time with Robert Heygate. There they had to rely on the discretion of his hostess, who was kept in official ignorance of her guest's profession and of his doings. On the morning of the 4th he celebrated Mass, and on this occasion the congregation was joined by Adam Boyd, who was one of the five for whose sake Ogilvie had come.

This Adam Boyd belonged to a wealthy family holding an honourable record of civic services to Glasgow, and his nephew, Robert Lord Boyd, was sheriff at this time. He had introduced himself to the little group of Papists as one who had long believed in the Catholic Faith, and who sought only to be reconciled to the true Church. After Mass on the morning of the 4th he sought an appointment for instruction: let the priest walk in the market square at four o'clock in the afternoon and a messenger should conduct him to a sure place of meeting.

The Burgh of Glasgow was still partly under the rule of the Archbishop whose castle faced the sombre Gothic cathedral. James VI had, in 1610, restored episcopacy of the Anglican model to Scotland and, after the death of James Beaton, the Catholic Archbishop of Glasgow and the King's Ambassador in France, James had bestowed the title and jurisdiction of Archbishop on James Spottiswoode, quondam Presbyterian minister.

This man, learned and capable, was one of the King's most efficient lieutenants in the government of his northern realm. He was a convinced Erastian and applied his master's policy more intelligently and skilfully than any other, but he was jealous of the nobles who were titularly at the head of the Government. In the Western Lowlands, however, he alone was chiefly responsible for the

maintenance of Royal authority, and from his castle in Glasgow he kept watch against Catholics and Presbyterians who sought alike to overthrow the religious settlement of his master. To him, then, on October 4, 1614, Adam Boyd went, and the Archbishop (to quote his own words) " particularly obliged himself " to the traitor, requiring later from the King money to quit this obligation. It was agreed between them that at four o'clock in the afternoon, one of the Archbishop's servants, a tall, strong man named Andrew Hay, should meet Adam Boyd in the market-place and there the Jesuit should be pointed out. At this time, too, Boyd supplied the names of those whom he knew or suspected to have had dealings with Ogilvie.

The market cross of Glasgow was formed by the junction of four roads. To the south, the Saltmarket, bending sharply to westwards, ran down to the bridge over the Clyde; east and west ran the Gallowgate and Trongate respectively, flanked by the booths and houses of the trading population. To the north, the winding High Street rose rather steeply to the Cathedral and Bishop's Castle; it began at the lower end as a business quarter but further up were the houses of the local gentry, who, at this time, monopolised the magistracies of the city.

About four o'clock in the afternoon of October 4, while the dying sun shone down the Trongate and the Tolbooth cast its shadow along the Gallowgate, Ogilvie was walking in the square of the market cross. With him was James Stewart, whose father had just completed his year's tenure of the Provostship, and whom Ogilvie had tried before to bring into the Catholic Church. While they were talking Ogilvie saw Adam Boyd come into the square from the High Street with a companion. Boyd did not approach, but spoke to this tall friend of his, who thereupon came up and bade Ogilvie accompany him to his master's house. The priest supposed this messenger to be a servant of

Boyd's uncle, the Sheriff, and his suspicions were not aroused, for Boyd might well wish to avoid being seen in his company, and might well have arranged an interview in the Sheriff's house. He therefore turned to go with the man and was surprised when Stewart, who had recognised Andrew Hay, and knew whose servant he was, protested vehemently and insisted that Ogilvie should come home with him. Thereupon Stewart and Hay began to quarrel, for the former was not prepared to let Ogilvie fall into the trap, but dared not warn him of the danger. They were soon surrounded by Hay's assistants and by a crowd of the populace who knew, at any rate, that an arrest was being made. These seized Ogilvie's sword and hustled him towards the High Street.

Still ignorant of the real truth Ogilvie sought to pacify them, pointing out that it was not he but the other two who were quarrelling. It was all to no purpose; Stewart and his supporters managed to urge the crowd to the house of the new Provost, and Ogilvie was carried there almost on men's shoulders. In the scuffle his cloak had been snatched away, and he insisted on its return; someone (possibly a friend) promised him another, but Ogilvie insisted on being given his own, and eventually got it back. To keep up his character of a peaceful stranger he pretended to be furiously annoyed and denounced the barbarity with which they were treating one who had given no cause of offence.

Glasgow was notorious at this time for the faction fights of its civic aristocracy; only a year or two before there had been a civil war between the Stewarts and their opponents about the election of a provost. So the news of Ogilvie's arrest reached Spottiswoode in an exaggerated form; he was told that his servants had been slain, that the city had taken arms, and that a battle was in progress.

Fortunately he had with him a large number of the local gentry and their armed servants, for this was the day on

which they shared out the magistracies and many had come to the Archbishop's castle for the purpose. These now were assembled, and the Archbishop, surrounded by his guard, came down to the Cross. They soon restored order, and, enquiring the whereabouts of the captive, were directed to the Provost's house.

When the Archbishop arrived Ogilvie was sitting behind a table while his captors crowded about the door. He came forward when summoned, to be greeted by Spottiswoode with a blow. If the Jesuit retained till then any doubt of his discovery, all vanished at the words he heard. "You are overbold, sir," said the Archbishop, "to say your Masses in a reformed city." "You act as a hangman, sir, and not as a bishop, in striking me," replied Ogilvie.

It was a bold retort, but scarcely wise. Immediately the mob of servants and citizens assailed Ogilvie with all forms of violence. He was struck, he was dragged by the beard, his face was torn with men's nails. Lord Fleming, who was with the Archbishop, only saved Ogilvie by personal intervention. The prisoner had scarcely collected his wits when Spottiswoode ordered him to be stripped and searched. His clothes were torn from him, and his few belongings were handed over to the officials; a purse of gold, another of silver, a seal, a few medicinal supplies, a breviary, and a compendium of the matters of religious controversy were all that his captors could find.

When the rapid examination was over Ogilvie was marched up the High Street to the prison which stood close to the Castle. There they tried to terrify him, threatening to put him in the stocks. Ogilvie laughed and urged them to keep their promises, to which they replied that they were too humane so to do. "But," said the prisoner, "it is not humane to lie; why do you promise what you will not perform?" The gaoler remarked that this was not the attitude expected from prisoners, so Ogilvie gave him a little homily on the attitude to punish-

ment, ending with the information that he himself rejoiced in the cause for which he was imprisoned and regarded his sufferings as a triumph. All this was probably wasted on the man, who contented himself with telling his prisoner to have a care what he did and to whom he talked. It was a well-meant hint in all likelihood, for the Governments of that day, and of many others, usually kept spies in all the prisons. But Ogilvie was not prepared for hints at the moment. "Take care you sleep well when the gates are locked," was his farewell to the friendly gaoler, and, as the latter's footsteps died away, Ogilvie prepared himself for his first night as a King's prisoner.

CHAPTER V

THE FIRST EXAMINATION

On the morning of October 5 John Ogilvie was again brought face to face with Spottiswoode. This time, however, the Archbishop was seated on the bench of justice with the other magistrates of the town and three of the Lords of the King's Council. Ogilvie was a prisoner at the bar and the drama which was to end in his execution had commenced.

During the next five months he was examined at least five times by those who represented public order in Scotland. On this morning of October 5 he was before the burghal court of Glasgow; at Edinburgh, on two occasions in December, 1614, he was brought before a committee of the Lords of the Privy Council of Scotland; in Glasgow, again, in February, 1615, he was tried for his life by a special commission appointed thereto by royal mandate. Of these trials, and of his life in prison during these five months, Ogilvie wrote a lengthy account which was completed by some fellow-prisoners after his death, and was printed at Douai in the year following his death. It is consistent throughout with such official records as have been preserved, and with the account which Archbishop Spottiswoode subsequently published. Those who were intimately connected with Ogilvie in Scotland swore to the truth of his narrative before a solemn tribunal of enquiry, and we may take it, therefore, as a substantially accurate account. The important points of issue which are shown as arising in the examinations and trial concern the saying of Mass, the nature and extent of papal jurisdiction, and the number and names of those Scotsmen

who were secret Catholics. But the record shows also that there was a very clear development in the course of the examinations. With each new tribunal there was an increasing definition of legal process, a narrowing of the scope and a growing exactness in the framing of the questions which were put to the Jesuit. In part this impression is created because Ogilvie reported the later examinations in less detail than the first one, so that much irrelevant matter is omitted. But it is clear, for instance, that at Edinburgh, in December, the lords of the council had thought out the possible objections which Ogilvie might bring against their jurisdiction, while at Glasgow, in October, the magistrates wandered from question to question without any obvious logical sequence. It is also clear that the two examinations at Edinburgh were concerned chiefly with the question of the names of Scottish Catholics, and the final trial at Glasgow with the papal jurisdiction. The first examination dealt generally, but superficially, with all the points at issue.

The development and the differences of the examinations, then, are such that three acts of this drama are clearly marked; the first at Glasgow, the second at Edinburgh, the third again at Glasgow. Through them all the outstanding characters are Ogilvie and Spottiswoode. The latter was the only constant member of each bench of judges, and was the director and leader of the prosecution; even in the final trial, when he was formally present only as assessor, he solemnly addressed the jury just before they proceeded to find their verdict.

But the conflict of this drama was deeper than that of two ecclesiastics. Spottiswoode, and the judges with whom he was associated, represented the Government which the most orderly of the Protestant States of Europe had evolved. Ogilvie found himself now, as neither Gordon, nor Creighton, nor Anderson had been, face to face with the new Protestant order of society, and his attitude

was dictated not by personal whim, but by his Catholic training and creed.

The best portrait of Ogilvie shows him a broad, loose-jointed man, ruddy of hair and beard, with large, well-formed hands. It is a type frequently to be met in Scotland even to-day. So he stood on October 5 before Spottiswoode and the other magistrates. He had no idea what form the examination would take nor what knowledge was already possessed by the judges. He may have heard that those who had befriended him were now also under arrest; he could not know what answers they would make to the magistrates. But he knew that the saying of Mass was a criminal and even a capital offence by the laws of the State; and that if he acknowledged that he had said Mass, he would be giving evidence which could be used to the prejudice of those with whom he had stayed. He resolved, therefore, to avoid this admission.

Despite his physical weakness Ogilvie's mind was alert, and he seized every legal opportunity of defending his secret against the representatives of the law. They affected to treat him at first as one from whom the truth could not be expected, and plied him with questions about equivocation and mental reserve. The prisoner refused to be drawn into a philosophical dispute; he insisted that the innuendos of his accusers should be substantiated by fact. With bitter raillery he drove them from one position to another (so only, he wrote afterwards, could the insensate hatred of the ministers be countered) until at last they ceased for shame from making charges which they could not maintain.

After this preliminary skirmish had taken place the real issue was soon joined, for the first question of the magistrates was: "Have you said Mass in the King's dominions?" This seemingly simple query opened the whole problem of the relation between the newly organised Protestant State and the Catholic Church. When the

governors of European States in the sixteenth century had embraced one or other of the new religions and had decided to enforce it even on those of their subjects who wished to remain Catholic, they had made it a criminal and ultimately a capital offence to say, and even to hear, Mass. The men of that time knew that here was the central keep of the ancient faith, and that, if they could destroy this, the ancient faith was doomed in their dominions. The proscription of Mass-saying was the distinguishing mark of a Protestant State when the Reformation was first introduced into any country. But by the beginning of the seventeenth century the rulers of Scotland (and also of England), though remaining Protestant, had reorganised public order on a new basis; the sanctions of civic peace were no longer what they had been in Catholic times, but, in this new order, the rulers of the State did not desire that their government should be directed simply to the end of abolishing the Mass. They wanted to fulfil all the natural ends of a State. They would not, however, remove from the Statute Book the penal laws against the Mass, for they were afraid that in doing so they would open the way to the return of their peoples to Catholicism. So, when Ogilvie stood in the Bishop's Hall and was asked this question, he knew that an admission of Mass-saying would incriminate both himself and all those who should be proved to have been associated with him. But he knew also that, because it was a criminal offence, those accused of it were protected by the procedure of law in criminal cases. A man who was accused of murder was not required to purge himself by oath of the offence, and, as Mass-saying was now in the same category as murder, he was entitled to the same protection. With this in mind, he answered: "If this is a crime it should be proved, not by my oath but by the testimony of witnesses."

The magistrates assured Ogilvie that they would soon be in a position to prove his offence by witnesses, and the

Jesuit, who knew only too well that this was no empty threat, replied: "Very well, then, my denial would not invalidate such evidence, nor shall I strengthen it by admissions until it seems good to me so to do." With this the enquiry as to Mass-saying ceased.

But this appeal to the protection which the procedure of criminal law afforded to the accused had long been countered by Protestant statesmen. Though the governors of England attempted in the latter half of the sixteenth century to remove the stigma of persecuting those who wished to remain in the ancient national faith they none the less intended to stamp out Catholicism. Accordingly, they imposed by law on all their subjects the duty of answering on oath any questions which the royal officials might propose. In this way they could secure, without the accusation of crime, admissions of having acted contrary to the statutes of the realm, and these admissions could then be used not only to incriminate the individual before them, but any others with whom he had been associated. Such a procedure, adopted in the Court of High Commission, was, of course, nothing but organised hypocrisy. It enabled the State to nullify the protection which civilised law gave to one accused of crime. It was used first against Catholics, and then against those Protestants who differed from the State religion. It forced these non-conformists either to commit perjury or to refuse to the magistrates what was claimed to be a legitimate and purely political procedure. Because it was directed against those who held themselves bound by strict religious obligations it was particularly effective; they certainly would be loath to commit perjury, against which the ecclesiastical sanction had been operative long before it became a civil crime.

This method of control, which saved the State from appearance of direct persecution in matters of religion, had been introduced recently into Scotland by James VI.

It was now applied to Ogilvie, and the magistrates bade him take the oath. "Why?" he asked. "That we, clothed with the royal authority, may know whether you have plotted against the State. Clear yourself on oath or we shall adjudge you guilty." Ogilvie's reply was to insist that this was a matter of criminal law, and that in these cases the laws did not require the accused to answer on oath. To further questions he elaborated his attitude in this matter and specified the two subjects on which he would always refuse information, those which were likely to endanger his own life, and those which were likely to endanger the lives of others. His final summing up of the situation was not without merit as a philosophic defence of individual liberty against the administrative power of the magistrates: "If I betray others I sin, and no law can bind a man to sin. The root of all laws is the law of nature, which binds a man to preserve his life and not to throw it away. If I fling away my life, wittingly or carelessly, I should break this law. Therefore, neither against my own life nor against another's will I answer on oath to any of your questions."

The defence of Ogilvie was the defence of the individual against the power of the State. Such defence was then as necessary as it has ever been if public order is not to degenerate into tyranny. But it is no less necessary that this defence should not lead to mere philosophic anarchy, for public order postulates public authority. And in the circumstances of the early seventeenth century in Scotland there was certainly something to be said for the claim that this oath was a necessary part of the machinery of State. Religion was then, undoubtedly, a dynamic force of a potency since forgotten, and, unless the magistrate exercised some supervision, it might well lead to the destruction of all public peace. There were many who would in the name of religion make civic government impossible, and to search these out and to nullify their plots was business

of State which the rulers might sincerely and legitimately attempt. In so far as the oath which was required had this for its object, Ogilvie could not reasonably have any objection to it, and so, with the proviso already mentioned, he consented to swear. "He was induced at last," wrote Spottiswoode, "to take a simple oath which he did upon his knees; and rising up from the ground, said: 'I will neither lie nor equivocate, but what I say shall be the truth; and what I am asked, if I find it impertinent for me to answer, I will say nothing or declare plainly I will not tell.'"

Having taken the oath Ogilvie gave simple, direct, and truthful answers to questions of his birth, parentage, education, and profession, which are embodied in the depositions signed by him. He did not refuse to answer when the magistrates pressed him to say why he had come to Scotland. "I came to unteach heresy and to save souls," was his reply. Here clearly he was giving political obedience to the State, even to his own damage. It was forbidden by law to preach against the State religion, but it was not in itself a criminal offence; the State had the right to know what were the employments of its subjects, and so Ogilvie did not refuse to answer. The same dislike of an anarchical attitude to the State was shown in other of his replies. Several years before this a small body of Catholics in England had attempted to overthrow and probably destroy the King's Government in the celebrated Gunpowder Plot. The facts relating to that event had been obscured by the efforts which James VI had made to connect it with Jesuit theories of the State, and the official account of the "plot" had been received even then with a considerable amount of suspicion. Whatever the truth had been, the incident was frequently used as a means of testing the attitude of prisoners to the Government: did they approve or not of the deeds of these papist plotters? Such a question was not as simple then as now.

It did not turn on the method employed; there was no "constitutional" method of altering the Government and, if such alteration was believed legitimate, then it must come by violence. The position of the King as James I of England was not clear in 1605; it would have been difficult to show that he was indubitably the legitimate successor of Elizabeth, for only a few years before an English statute had declared it high treason to advance any opinion as to the legitimate succession. To condemn then the Gunpowder Plotters was to condemn all attempts by the people to remove a monarch whose title to succeed had only been esteemed legitimate after his succession a short two years before. Such condemnation could be justified only on the ground that a *de facto* Government should be obeyed because it secures public peace. And this attitude, the reverse of philosophic anarchy, was that taken up by Ogilvie. He had been asked early in the trial, "Do you recognise King James?" With a strict regard for truth and bearing in mind the controverted question of legitimacy, he replied: "King James is *de facto* King of Scotland." So later, in reply to questions about the Gunpowder Plot he said: "I detest parricide and praise it not." Parricide was the contemporary* cant for the murder of a King, and was so understood both by magistrates and prisoner.

The opinion that the teachings of Papists, and of Jesuits in particular, were anarchical, was already being fostered in the new Protestant States. It was put forth that the Catholic Church required from its children an obedience such that they could not be loyal to the legitimate requirements of secular authority. This opinion gaining, then, many honest adherents has since been generally accepted with regard to this seventeenth century; it was thrown at Ogilvie by his judges. In reply to his condemnation of parricide there came the bitter accusation: "Papists and

* See the controversies of Bellarmine, Mariana, and James VI.

Jesuits teach these things." "Read, then," he replied, "the decrees of the Council of Constance. There you will find that heretics propagate and Catholics condemn these teachings. For Wiclif taught that subjects may slay their erring rulers who by sin lose their right of governance." He went on to point out how in this matter the Catholics and the Presbyterians were in fact opposed. "The Gunpowder Plot was the work of a few courtiers, but it was not so with you on September 17. Then, indeed, you tried to kill your King and two thousand of your citizens bore arms in Edinburgh that day. And three of your ministers urged on the mob to greater efforts, while your chief preacher, Robert Bruce, wrote to a relative of the present Marquis of Hamilton to come and take the crown from an unworthy Papistical King. This was no palace plot, but a conspiracy of the preachers carried out openly in the market-place."

On this 5th of October, then, Ogilvie not only defended the liberty of the individual against the State, but insisted that in practice the Catholics were loyal to the legitimate authority of the State, while the Presbyterians were not. He would not have agreed to the generalisation of most recent English historians that the attitudes of Puritan and Jesuit to the secular authority were scarcely dissimilar. The question of the theoretical division of Church and State was only touched upon. After taking the oath prescribed Ogilvie was again asked, "Have you said Mass in the King's dominions?" Again he refused to incriminate himself, and this time he added that the sacraments of religion were not pertinent to the tribunal of the King, and were not to be classed with thefts and murders. When, later on, he admitted coming to unteach heresy, the magistrates demanded by whose commission he exercised jurisdiction, "since neither King nor bishop has given it to you." Ogilvie laughed at this, and told them that their bishops, like their King, were but laymen and

could have no jurisdiction in spiritual matters. "Christ's sheep," he went on, "were committed to Peter; whoever would feed them must seek authority from the Apostolic See, wherein by continuous succession, according to Christ's promise, the authority and power of the Prince of the Apostles is vested. From this See I have received jurisdiction, and through the succession of sovereign Pontiffs I trace it back to Christ." It was a lengthy speech to be allowed to a prisoner, but the Jesuit was, with every word, putting himself at variance with the laws recently established. At its end the magistrate said: "It is high treason to assert that the Pope has jurisdiction in these realms." "It is of faith," replied Ogilvie. "Do you dare to assert it in writing?" they asked. "With my blood if need be," Ogilvie answered.

When the prisoner had signed the necessary depositions one of the judges (probably Spottiswoode, for he alone realised the importance of the question) began an enquiry into the relation of spiritual and temporal jurisdiction. "Can the Pope" he asked, "depose an heretic King?" "Many doctors of the Church" replied Ogilvie, "have asserted this to be the case." "And what would you say?" "If it should be defined as a matter of faith I would die for it; if I should become a judge both of Pope and King I would say what I could on the matter. At the present time I am not bound to express an opinion save to one who has authority to judge in controversies of religion—that is, to the Pope or his delegate." After this the subject was dropped, for neither Spottiswoode nor, perhaps, Ogilvie, was ready on the spur of the moment to enter into the most burning question of contemporary politics. But it was from answers such as Ogilvie's that many have deduced a similarity between the Jesuit and the Presbyterian: both asserted that in some matters at least the secular power had no legitimate authority, and both were ready to resist any infringement of that sphere

by the monarch. Ogilvie in his homily on the Gunpowder Plot claimed that in practice the Presbyterians had been a danger to public order while the Catholics had not. It was only at the later trials that he elaborated the theoretical difference of their positions. For the moment both judges and prisoner were tired and turned to discuss less thorny problems. They asked several questions about Fr. Garnet who had heard the confessions of the conspirators of 1605, and who had subsequently been arrested and executed for complicity in the plot. His friends declared that his knowledge of the plot came under the seal of confession, while his enemies alleged either that he should have revealed information so acquired, or that he had taken part otherwise in the plot. Ogilvie, in reply to questions, asserted the innocence of Garnet, and maintained the priest's duty of preserving inviolably the name even of his penitents. Spottiswoode, perhaps the most convinced Erastian of history, asserted that he would betray any man who confessed to him a plot against the King's life. Turning from this they began to wrangle about the extent of Garnet's knowledge of the plot, and the attitude of the Catholic Church to his execution. One magistrate said the Pope had canonised him, and being pressed for evidence said that Garnet was painted at Rome amongst the Jesuit martyrs. To point out the weakness of such evidence was not sufficient for Ogilvie, who went on to point out (1) that if Fr. Garnet had died rather than break the seal of confession, then he had died a martyr; and (2) that if the Pope declared Fr. Garnet a martyr, that then he, Ogilvie, was ready to die asserting it. It had been a long, weary day for everyone and if the prisoner's sufferings (he had had nothing to eat for twenty-six hours) were forgotten, one would feel considerable sympathy with Spottiswoode's outburst, "Away with your 'ifs'; what do you say about it?" As a matter of fact the trouble lay not with Ogilvie's distinctions, but with the extra-

ordinary publicity methods of Spottiswoode's master, King James VI. His official accounts were so seldom corroborated by other evidence and so often at variance with other evidence, and so suspiciously tendencious that it was as difficult then as now to decide what had happened. In this case Ogilvie had seen a written statement signed by some peers and two ambassadors asserting Garnet's innocence; when Spottiswoode countered with the official account, Ogilvie asked why he should believe Garnet's professed enemies rather than those who were comparatively impartial. It was, after all, a wrangle which could lead nowhere and Ogilvie soon saw this to be the case. "Well, no one made me a judge in that matter," he said, "and, after all, I came to preach Christ and not Garnet. I must look to my own business now as Garnet did to his. Each for himself and God for us all."

With that the trial, or rather examination, seems to have ended. Ogilvie was shivering, and his judges, noticing it, ordered him to be taken to the fire at the lower end of the hall, there to warm himself. Probably the magistrates then heard the result of the investigations which had been going on outside. Fourteen of those citizens of Glasgow who had had dealings with Ogilvie were under arrest, and their preliminary examination was begun. Very little was obtained from them in the way of evidence beyond the important proof that Ogilvie had said Masses in Glasgow. At Robert Heygate's, a Frenchman apparently betrayed the hiding-place of the Mass furniture and other belongings of the Jesuit. Amongst these were some notes by Fr. Anderson relating to Jesuit affairs in Scotland, and a catalogue, compiled by Fr. Murdoch probably, of those Scotsmen who were still willing to receive priests. With this before them the magistrates were less interested in trying to obtain admissions from Ogilvie; the evidence of the other captives was enough to incriminate him; the information of the catalogue would

probably lead to further discoveries. The trial, therefore, was not resumed on this day and the company left the Bishop's Hall; Ogilvie to meditate in prison, Spottiswoode to write to the King a lengthy and exultant account of his success, with a request that he might have one-half (as the Bishop of Glasgow ought) of the fines imposed on the prisoners.

CHAPTER VI

THE EARLY SUFFERINGS

In his first trial and, indeed, at all of them, Ogilvie was labouring under many disadvantages. It must be remembered that throughout these examinations he was suffering from physical weakness and mental pain brought about not by his own fault, but by the circumstances in which he was placed, and eventually by the deliberate action of his judges.

The incidents of his arrest, the violence of the populace in the presence of Archbishop Spottiswoode, when, after the latter's blow, men tore Ogilvie's hair and beard and face, and stripped him almost naked, left him in no condition fit for his trial on the following day.

As with all men of vigorous intellect he found himself at the end of that examination warmed up to controversy, and his answers, at first halting and timid, designed only to secure a temporary respite in which to think, became, as the day wore on, more telling and acute, until it is clear he drove his adversaries into a corner and they closed the discussion by remanding him to prison. He had conducted his case, however, in a state of physical weakness; at the end of it he had been twenty-six hours without food and was shivering with fever. Even the judges recognised his plight and gave him permission to stand by the fire in the hall. But he was not allowed to collect his thoughts. A retainer of the Archbishop's—a Highlander—cursed him for soiling the Ogilvie name by becoming a Jesuit, and proclaimed his desire to throw the prisoner on to the fire. Pride of birth and profession—and Ogilvie lacked neither of these—did not make him lose his head.

" Never," he replied, " would your action be more welcome than now, when I'm shivering with cold. But remember the mess of cinders and coals you would make, and remember that it would be your lot to clear up that mess."

The sufferings of that first day were not deliberately inflicted by the magistrates but arose chiefly from their neglect. Ogilvie was now sent back to his cell, and after a day or two was bound by the feet to an iron bar. He was thus kept on his back, for the bar (200 lbs. in weight) was too heavy for him to drag about. Meanwhile Spottiswoode had written to the King and asked not only for a commission to try his prisoners, not only for the major share in their confiscated property, but for permission, in the case of Ogilvie, to proceed in the examination by the " boot." This was accorded. The torture which was used frequently against Catholics was thus arranged. The prisoner's leg was encircled with iron rings, and a wedge was driven between the rings and the shin bone until the latter was crushed. The torture was not as a rule, and was not in this case, a means of punishment, but a means to make the prisoner give such information as the authorities desired.

After Ogilvie had lain in prison for several days, the King's permission for the use of this torture was announced to him. It seems certain that his gaolers went so far as to fit the " boot " on to his leg, but did not carry out the full process. As in the case of many other Catholics, Ogilvie felt only the first sharp tortures of maiming; he was shown in motion the apparatus by which he was to be crippled, and was then threatened with the final blows. These preparations were made at Edinburgh later, as well as at Glasgow. In both cases—or rather in all, for it probably occurred more than twice—the executioners were kept from finishing their work. Perhaps it would be nearer the truth to say that they were kept strictly to their work. Those who have known what it is to be near the same

frightful sufferings again and again, and to realise exactly how, and how easily that suffering can be completed, will understand the exquisite torture of feeling the girdles of the boot around the leg, of seeing the wedge in position, and feeling the shiver of pain of the first hammer blow. It was a torture more terrible in some ways than the crushing of the bone, for it was mental as well as physical and was not relieved by the deadness of consummated bodily pain.

For this physical pain no doubt Ogilvie had been long prepared. Jesuits discovered in Scotland in the seventeenth century knew what to expect from their captors, and no doubt trained themselves to endure hardship of this sort. But there was another and more subtle torture for him a few weeks later. As a consequence of Adam Boyd's treachery and Ogilvie's arrest, some fourteen others were seized by the magistrates of Glasgow and tried on the charge of hearing Masses said by the Jesuit, of being reconciled by him to the Catholic Faith, and receiving from him the Sacraments of the Church. Their depositions admitted this crime, and though some reverted to the State religion, a few remained faithful. They were sentenced shortly after Ogilvie's first examination, while he lay in prison at Glasgow—those who had heard Mass to be hanged; those who had given him hospitality to be hanged and quartered.

Until the King's decision as to the execution of these sentences could be obtained, they were sent to various prisons in and around Glasgow. Their relatives believed not only that they had incurred the death sentence because of their association with Ogilvie, but that he himself had betrayed them to their judges. These wives and mothers were many of them Presbyterians themselves, and their hatred of the Jesuit was perhaps but natural, but it meant for him that to the tedium of imprisonment was added the suspicion and anger of those for whose safety he was suffering.

At the beginning of December orders were given for Ogilvie to be taken to Edinburgh, there to be tried by the Lords of the Privy Council. When the little cavalcade came down the hill to the Market Cross before turning east along the Gallowgate, a crowd of men and women, friends and relatives of the prisoners, greeted Ogilvie with curses and showers of mud and snow. One of the magistrates encouraged them in this barbarity, and, though the Archbishop's servants (who may have received some badly aimed missiles) tried to stop it, the ministers who were present did not interfere. Ogilvie rode on and took no notice. Hard though it must have been to be cursed for things of which he was not guilty, and by the relatives of those who were his spiritual children, yet nothing could be done to remedy the sorrow and the hatred of the women. Amongst them was Elizabeth Oswald Heygate, the mother of that Robert who was one of Ogilvie's earliest acquaintances in Glasgow. As Robert seemingly was brought up a Catholic, it is probable that both his father and mother secretly retained the ancient faith; indeed, their younger boy many years later asserted this to be the case. They had, however, lost hope of its return, and had brought up that younger son James in ignorance of it. The mother was now desolate: a year before her husband had given up the office of Court Clerk and had gone to Italy; Robert was in prison on a capital charge; the boy James had been in and out of the prisons running messages for this Jesuit who had, she thought, betrayed her elder son.

As Ogilvie rode out, then, she cursed his twisted countenance: Ogilvie possibly did not recognise her; at any rate, he makes no mention of her name, and we know her identity only from other witnesses. Whether, then, it was sympathy for her suffering, or merely the kind retort of a heart which bore no malice, we cannot tell, but his reply, "Christ's blessing on thy bonny face," brought from her an expression of penitence for her words, and a promise

that she would never revile him again. Though Ogilvie knew it not, his action this day had won an entire family for the faith he preached. Robert Heygate refused to be a renegade, and his sentence of death was commuted by the King to one of exile. His mother, having lost her means of support, joined her husband Archibald in Rome, and was reconciled to the Church in the same year that Ogilvie suffered death. Fourteen years later Robert was a Catholic soldier in Flanders and James a priest of the Order of St Benedict.

All that, however, Ogilvie could not know on that cold morning of December when the snow and the mud of Glasgow was being thrown at him by the angry mothers and wives of Catholics. As he rode across the bleak hills to Edinburgh his mind was tortured by the misunderstanding of his children as his body had been, and was to be, by his enemies.

CHAPTER VII

THE SECOND EXAMINATION

SHORTLY after the first examination of Ogilvie the Privy Council had sufficient evidence in their hands for his condemnation according to the statutes of the realm. The capture of his papers and the information of Adam Boyd had led to the seizure and examination of fourteen others with whom the Jesuit had had dealings in Glasgow. Less expert or less willing to refuse the questions of the magistrate, some of these prisoners had admitted their presence at Masses said by Ogilvie, their reconciliation to the Catholic Church, their reception of its sacraments at his hands. Ogilvie had bade the magistrates proceed against him in the legal manner by witnesses, and they were now able to do so; there was sufficient evidence that he had broken the anti-Catholic statutes of the realm; there was sufficient evidence to ensure his condemnation to a traitor's death by any jury in the land.

In these circumstances Ogilvie was presented at Edinburgh on December 12 before the Lords Commissioners appointed by the King's missives for his examination and trial. Their task would seem at first sight to be easy, especially as Ogilvie acknowledged certain captured letters to be his. But the Commissioners were not content to secure proof that Ogilvie had offended against the penal statutes. " He denied " the official account says, " to give their lordships any satisfaction concerning certain particulars contained in these letters. They decided thereupon to extort by torments another confession from him." The official account tries to associate this resolution with doubts about Ogilvie's activities in London, but this excuse is

soon dropped. After the torture, according to this account, Ogilvie "failing to discover certain of his 'receivers' in Edinburgh, gave hope that he would be drawn to give their lordships contentment." It was not a political plot, but the names of Edinburgh Catholics which formed the object of these Edinburgh examinations. Spottiswoode, in fact, was far from desiring that his capture of the Jesuit should result solely in the latter's death, and in this attitude he was in complete accord with the mind of his master in London. The policy was an English one, and remained but little understood or appreciated by the Presbyterians (*e.g.*, Calderwood) of Scotland. Even nowadays its importance is too little grasped, and we can only do so by surveying with some care the ecclesiastical history of England during the previous quarter of a century.

The savage outburst of hatred against Catholics which had led to the judicial murders of the middle period of Elizabeth's reign had passed away in England. It was replaced by a new policy, which found its chief exponent and its wisest administrator in Robert Cecil, the son of Lord Burleigh. This man, cultured, cool, and in the seventeenth-century sense of the word, politic, saw that Catholicism had ceased to be the traditional habit of his countrymen. This could not have been said at any earlier period. Though the English had accepted the many new varieties of religion selected by their rulers in the sixteenth century, it is certain that they had not regarded them as permanent. Again and again in Elizabeth's reign her commissioners had found, in centres of culture like Cambridge no less than in country villages, that the ornaments of Popish religion were being kept against a return to the old faith. Though men were not ready to die or even to suffer for that religion, they were ready to believe that without their aid it would return and were prepared to accept its return. The outward observances of Catholicism were abolished by law and, generally speaking, the law

was obeyed, but men had not purged from their minds the thoughts, nor from their private lives the devotional observances which were a product of Catholicism. The sermons of the Elizabethan preachers and their letters to foreign Protestants are filled with denunciations of superstitious observances, prayers, and attitudes of mind. Not less striking is the evidence of the finer examples of contemporary and popular literature. The friar, the priest, appear there, not indeed with the unreal halo of a later romanticism, but as people to be respected, sometimes to be admired, sometimes to be gently satirised; they are treated more kindly but no less sympathetically than they were by the Catholic Chaucer, and such treatment could come only from an observation or memory which, though realistic, was not the less friendly. Evidence of this sort, evidence of Royal Commissions, of Protestant preachers, of dramatists, as well as of those who, being Catholics, may have desired their conclusions to be true, points, not indeed to a multitude of secret practising Catholics, but to a widespread national habit of thought, and it is this habit which is justly called the Catholic tradition of Elizabethan England. Throughout this period, however, there is another important fact to remember. The stream which had watered this tradition was being steadily dammed by the Queen's ministers. Now in one place, now in another, the work of Catholic missionaries made possible the revivifying of Catholic life, and so the reflorescence of Catholic thought, but, as the control of the administration became stronger year by year, the surviving rivulets were driven underground. The savage campaign of the years 1570-1590 was very efficient; men had been terrorised into concealing their Catholicism; those who could best understand the ancient tradition were compelled to hide their knowledge from their fellows, and were forced to separate their religion from their lives, to practise outwardly an ignorance of what they secretly professed. By the begin-

ning of the reign of James I it was almost true that Catholicism was limited to the few who heard an occasional Mass, and that these were being separated from the main current of national life. For the rest of the nation Catholicism was a dormant memory.

Cecil's claim to statesmanship rests largely on the fact that he recognised this change of conditions, and that he inaugurated and carried through a policy ably designed to make use of it for the purposes of Protestantism. He recognised that men were beginning to think of religion as something distinct from the nation. The cleavage of these two loyalties had not occurred hitherto. Before the sixteenth century the State, the nation, had grown under the protection and within the family of the Church. There had been quarrels but they had been family quarrels. Men had not, therefore, thought of these two loyalties as being fundamentally distinct. During the sixteenth century the English Government had at times openly persecuted the religion of the Church, and had been frankly anti-Catholic. But Englishmen were still sufficiently familiar with their history for Catholics to claim that the Government was thereby anti-national. Everything in the national life was Catholic in essence, and men knew that the King who denied the authority of the Pope and the Church was acting in a way which would have horrified the most anti-clerical of his ancestors. Even in that century of strife the idea of the national tradition being un-Catholic was a new and not a normal notion. The Catholicity of the English inheritance was a natural appeal for Dr. Allen to make as late as 1584.

But the effect of Elizabeth's reign had been to alter this, and Cecil seems to have been the first to perceive it. He decided then to demand from Catholics that they should treat the nation as commanding a loyalty independent of its religion or of theirs. He asked from them not obedience to laws which proscribed their faith, but obedience to the

King without mention of laws at all. But such obedience had to be the supreme loyalty. Nothing must be allowed to interfere with it; on no grounds whatever might its obligations be neglected. This created for Catholics a dilemma. If they swore fealty to the State they promised implicitly to be loyal to the laws which proscribed their religion; not, indeed, to obey them, but to recognise them as part of English life. That was not, however, the chief difficulty; a greater arose because loyalty was a habit inculcated by religion alone. So when James VI, in 1606, proposed an oath of allegiance to Catholics, he required them to treat their loyalty to him as an act of religion. It was not simply that he required them to say that they would obey him as King even though the Pope excommunicated him, but that they should swear " to detest and abjure as impious and heretical " the opposed doctrine. To define heresy was an act of ecclesiastical authority which could not be assumed by any loyal Catholic. But James knew no other way of ensuring the loyalty he required, and so he had to drive Catholics to the dilemma which set their loyalty to the Church over against their loyalty to the King.

The immediate result of this part of Cecil's policy was to create a division between the Catholics of the day. Not all of them could see that in taking the new oaths of allegiance they were swearing away their right to obey the Catholic Church. Allegiance to her had never meant disloyalty to the nation, and so it seemed that loyalty to the King, to the nation, could not mean unfaithfulness to the Church. They did not realise that their governors intended that Protestantism should henceforth be national, and that, embodied in the laws, it was now part of the national tradition to which they swore allegiance. The command of Rome forbidding them to take the new oaths of allegiance came to them as a new thing, something they could not comprehend, something outside the faith they

had inherited. They believed that that faith could be kept while they swore the new fealty to the King. Cecil was right in believing he could divide Catholics so, and was justified in believing his policy efficacious, for many families who had kept the faith through persecution lost it now when the nation's claim was said to be independent altogether of religion.

The policy of Cecil has received recognition from most historians; his success, however, in laying the foundations of that Protestant England which flourished in the eighteenth century was assured as much by a counterpart to that policy which he also created. He recognised that Rome would not come to terms with the concealed anti-Catholicism of the new England, and that Rome would always find some devoted missionaries for her work. He recognised that these found in his time many who were ready to be reconciled to the Catholic Church and to receive her sacraments. So long as the missionaries were kept out of the country these would be hidden from the vigilant eye of the Government. No test could be devised to ensure their discovery. The capture of a Roman missionary, then, was not used by Cecil merely to wreak vengeance on one who opposed the King's will. Such savagery might reawaken the consciences of those who would otherwise let their Catholicism remain but a memory. He preferred to use such prisoners as a means to discover those who had welcomed them. With this information in hand he was able to proceed; by fines, by imprisonment, by exile, he broke up or deracinated those families in which the faith was preserved. In this way he eliminated from national life those centres which might in later times be fruitful in the re-catholicising of England.

James VI, who owed to Cecil the crown of England, kept him in office and made his ecclesiastical policy his own. Nay, more, he transferred it almost entire to Scotland. Only a few years after he left Edinburgh for London all

the methods and organisation of Cecil's scheme were in operation in the northern kingdom. There it was used at first against the intransigeant Presbyterian ministers. They were divided by the same methods as were the English Catholics. The instrument, the Court of High Commission, was planted in Scotland, and enough ministers were found to accept the royal episcopate. Even before this conversion of Presbyterianism was complete, the King turned his new policy and machinery against the Catholics. Before 1603 they had known either the hatred of the ministers—a savage hatred, legalised by many statutes—or the occasional friendship of the King. Now they were to know an enmity more deadly than that of the ministers, because the hatred was cloaked and looked not for victims but for victory. Spottiswoode, a minister who had accepted a King's bishopric, was the chief agent. He it was who sat on the High Commission; he it was who proposed to Catholics those oaths of allegiance by which, without mentioning religion, they should betray their faith; he it was whom the King entrusted to spy out all would-be Catholics and to uproot them from the nation; he it was who saw in the capture of Ogilvie a means to these ends.

This policy, invented by Cecil, adopted by James, and applied to Scotland by Spottiswoode, alone explains the peculiar procedure in Ogilvie's case. The examination at Glasgow had certainly begun in an effort to discover whether he had broken the law by saying Mass in His Majesty's dominions. Though Ogilvie had refused to answer the question, the magistrates had sufficient evidence to prove the case against him long before the second examination at Edinburgh. Yet, after October 5, the charge of Mass-saying—a charge which could be proved—was never made; indeed, in the final trial, the Crown officers explicitly stated that the prisoner was not charged with this offence. Spottiswoode claimed at that trial,

which took place in the following February,* that the charge was not on any matter touching religion, and that, for this reason, the saying of Mass was not preferred against the prisoner. The second trial, then, that of 1615, became necessary because the charge was altered; Ogilvie, the authorities said, had shown himself guilty of high treason in refusing the King's jurisdiction in spiritual matters and in asserting the Pope's. That was the argument of Spottiswoode, but it does not make the procedure very much clearer. It shows them to be adopting one part of Cecil's policy—the policy of the oath of allegiance—as a means of bringing Ogilvie to the gallows but it does not explain the necessity for the examinations in Edinburgh. The denial of the King's jurisdiction had been made by Ogilvie at Glasgow in October; he had subscribed to that denial in writing and if it was a criminal offence in February, 1615, it was equally criminal in October or December, 1614. There was no need or legal purpose for the examinations in Edinburgh. But the latter are explained, and explained easily, by the second part of the Cecil policy. The whole desire of the Privy Council was not to convict Ogilvie of Mass-saying, or even to condemn him to death for asserting Papal jurisdiction in Scotland, but to discover through him what Scotsmen, what Scottish families, would be ready to welcome a return to the Catholic Faith. It was not as a prisoner but as a possible informer that they examined him; it was not because he was guilty, but because he was a Catholic and knew who else were Catholics, that they tortured him.

In the light of that policy their actions at Edinburgh during December, 1614, were wisely directed. Before the trial on December 12, the Privy Council sought to obtain (without the prisoner's direct help) the information they desired. While he lay in prison they caused as many as

* *I.e.*, according to the calendar then in use in Scotland. By our modern calendar it was March 10.

possible to visit him. Knowing already that several months of his work had been spent in Edinburgh, they had reasonable ground for hoping that, amongst the crowds, would be some few who had either seen him as a priest, or at any rate seen him in conversation. A few questions enabled the officers to find such acquaintances, and with this information they were able to discover those in whose company he had spent his time and in whose houses he had stayed. Following, again, the methods of Robert Cecil in England, they sent abroad rumours that Ogilvie had secretly betrayed all his friends and so, when arrested, those unfortunate people were ready to betray themselves and others.

These methods were successful in working out some of the tracks of the Jesuit, but they were useless to discover those who were discreet enough to avoid being seen near him and bold enough to refuse to betray themselves. Sinclair, in whose house Ogilvie had stayed at Edinburgh, was all this time at liberty and still in the city. He avoided being seen in the prisoner's company lest a chance observer might remember having seen them together before, and he was sufficiently acquainted with Governmental methods to pay no attention to rumours of betrayal. The Privy Council realised that their information could not be completed without Ogilvie's assistance. Accordingly, they tried to break through his armour of silence by the time-honoured Elizabethan methods of threats and promises. Not only did they bring their instruments of torture to his cell every day, but they used them just enough to let the prisoner know how very efficient they were for their purpose, and then, when he was in a suitable frame of mind, they offered him his liberty and great rewards in return for the information he alone could give them. It is not difficult to realise what force there was in these temptations. Ogilvie was not being asked to do anything which would by itself bring his Catholic friends within the power of the

penal laws. They could always plead that he had come to them disguised, that they had not known him for a priest. He was not asked to say where he had said Mass, only where he had been. If his friends were wise and cool-headed they could easily avoid punishment, even though he gave their names. And in return for this, he, Ogilvie, would have his liberty and be able once again to follow his priestly profession. It must have been a temptation, and it must have needed an effort to remind himself that, were these friends betrayed, some at any rate of them would foolishly put themselves at the mercy of the penal statutes, and some, worse still, might renounce their faith to save their liberty, their lands, or their lives. It was probably a relief to the Jesuit when his foolish tempters one day asked him to become a heretic and offered him a rich prebendary if he would do so. He turned readily to the jest of their new temptation. The prebendary was that of Muffet, and he suggested to them that it would be more suitable for them to offer it to Fr. Moffet whose name was so similar and who was also a prisoner. It was a poor pun at the best; it was also the relief of a tortured man, laughing to find himself at mental ease. The official who had made the offer was a stupid fellow, and solemnly assured Ogilvie that his brother Jesuit was too uncultured for the post. "Well, he's a lot more learned than I am" said Ogilvie; "if he's not suitable I am afraid I shall never do."

The informal attempts of the King's officers to discover who were still friendly to the Catholic Church had broken down, and December 12 was the day appointed for the trial. It is not possible to suppose that the previous enquiries were made merely on the chance of finding out a dangerous but unguessed-at conspiracy. The purpose which had directed them was clearly followed as the principal quest of the examination. The first enquiry which Ogilvie remembered concerned the place where he had first lodged. To this question the judges returned before

the end of the examination. One of them assured the prisoner that if he would give them a list of those with whom he had lodged since coming to Scotland they could bring no further objection against him. This examination, in so far as it was judicial, concerned neither Mass-saying nor the Pope's spiritual jurisdiction; the judges knew that Ogilvie was guilty of one, they heard him openly assert the other, and yet, " if he would tell them who were Catholics, nothing further would be objected against him."

Ogilvie took up much the same attitude as at Glasgow. As judges they had no right to enquire concerning persons, but only concerning crimes. It he gave up the names of those with whom he had stayed, they would either be punished or would deny their faith; he would be a sinner against God or his neighbour. One of his replies, careful, scholastic, shows that he had been turning over the matter in his mind. The judges had asserted that their procedure, the royal procedure, was not concerned with spiritual law; they were concerned only to know whether Ogilvie had done anything against the public peace. The charge was one made in the ordinary course of the law. It was a difficult assertion to counter, for the mere giving of names did not necessarily involve any of these people in an accusation of crime. Ogilvie's reply is so apt that it must have been the result of deliberation. He pointed out that the legal action was one of equity, based on the King's claim to supply the deficiencies of ordinary justice. This royal power he recognised as resting on the King's moral authority, and this enquiry, if made, was made only with that authority. " But any moral action," he said, " is defined by its purpose and by the circumstances in which it is made. The King's purpose in this enquiry is a spiritual one for he makes it in hatred of the faith, so that he may search out and punish Papists as he has done to the Glasgow Catholics and to the Catholic nobles."

This was the most careful statement which Ogilvie

made regarding his attitude to those who sat in judgement on him. Their attitude I have attempted to sketch. It will be as well to summarise his. He recognised them in the first place as administrators of the common law of the land. That was his original attitude at Glasgow. In so doing he claimed all the privileges which the common law gave him, even though the magistrates did not consider themselves bound to extend to him that protection which in law was given to a prisoner on trial for his life. Though they behaved both as prosecutors and judges at Glasgow, he was bound to respect their authority while he claimed his full legal rights. It was for this reason that his defence often seemed like the merest legal quibbling. Only so could he defend his life and at the same time maintain a proper obedience to legitimate authority.

The recognition of the ordinary magistrates and judges of law does not, however, complete the story. In administering the laws anent religion in the Protestant States the governors had had to claim a wider authority, which was embodied in the oath *ex officio*. They were dealing not with ordinary criminals who, in a civilised country, may be assumed to detest the crime with which they are charged, but with men who believed that what the State law called a crime was obedience to God's law. This was equally true of Puritan and Papist. They were dealing with facts which could be discovered only by the prisoner and which he would not on oath deny. They therefore adopted a procedure of the inquisition and required their subjects to answer on oath whatever questions were asked them. This was the oath *ex officio*. It was resisted most bitterly by the extreme Presbyterians, both of England and Scotland. Their opposition was on two grounds. First, and this chiefly in England, they objected to it because it was not sanctioned by the common law of the land which their allies, the practitioners thereof, were at this time exalting above all State authority. Secondly, and

this chiefly in Scotland, they objected to it as against their right to worship God in his way. At least that is how they would put it, holding that his way was the way taught by John Calvin. If Ogilvie had taken up either of these attitudes we should be bound to regard his position as undifferentiated from the Puritan. But he did not so. He accepted a modified form of the oath and answered according to its terms. He did not identify himself with the Puritans' first objection, because he admitted that the King had an authority wider than that allowed by ordinary law. At Edinburgh, on December 12, he had said: "The King's procedure is not according to common law, but is according to equity. It is a moral procedure based on his moral authority." Ogilvie recognised therefore an authority of the ruler of the State wider than that given him by common law, a moral authority because of his responsibility for public order. Wherein Ogilvie was observing the Catholic tradition concerning State authority.

Nor did he identify himself with the second Puritan objection. He did not refuse to answer anything concerning the Catholic religion, but anything which would endanger his own or others' lives. And the reason for doing so he stated at Edinburgh: "The jurisdiction of kings being based on equity, is legitimate only in so far as it is moral. But no morality allows a man to throw away his life or to endanger that of another." Ogilvie could, therefore, respect the public authority and still insist on his conditions. Nor was this a mere subterfuge to avoid admitting his Catholic activities. He refused to answer as to the saying of Mass which was directly penal; he was quite ready to answer that he was a Jesuit and came to unteach heresy, which was not a capital offence, even though he knew that the Government punished such action. The monarch had a right to know the religion of his subjects and Ogilvie did not refuse to answer. This point is of capital importance in view of his answer anent the

Pope's deposing power. At his first trial, as at his last, he refused to answer, with regard to this question, except to the Pope. Was this a mere method of evasion? Ogilvie claimed it was not, but that he was bound so to answer because the doctrine had not been determined, and was a subject of religious controversy in which the Pope alone was judge. The only reason for believing that answer dishonest is that he was afraid to incur the hatred of the Government by revealing the doctrine which he held. Against such a supposition we can place his readiness to admit that he taught the Catholic Faith, that he held his authority from the Holy See, that he was a Jesuit, and had untaught heresy. A man who answered thus would not have hesitated, when questioned about the deposing power, for any reason of evasive fear.

When the Privy Councillors failed to obtain the information they desired, their questions turned to that other aspect of Cecil's policy which had now become part of the statecraft of the Government of Scotland. They tried to force Ogilvie to the dilemma "Are you loyal or not to the King?" He assured them readily enough of his willingness to render to the King all the obedience which was due from him. At this point one of the Privy Councillors so far forgot the principles of the new policy as to say, "The King forbids Masses and you say them." Ogilvie promptly offered them the dilemma of obedience to Christ or the King, quoting Luke xxii for the Lord Christ's command to say Mass. His dilemma was of peculiar force before the Scottish Privy Council; almost all these men had subscribed but a few years before to statements that Christ's commands were above His Majesty's, and had called this King a persecutor for not obeying the Presbyterian Assemblies; now Ogilvie asked them how to avoid calling the King a persecutor if he forbade what Christ commanded.

One of the councillors thought to turn the question

by pointing out that at one time the King of France, had forbidden Protestants to come to France, and that the Spanish King was even then burning people for the sake of religion. This is, curiously enough, an argument much more difficult to answer now than when it was first put forth. It seems so clear to us that the cases were exactly alike. In Britain the King was hanging Catholics because they differed from his religion; in France or Spain the King burnt Protestants for precisely the same thing. It does not now appear that there was any difference of principle. But the men of the early seventeenth century could see clearly what it costs us nowadays a great effort to appreciate. They saw that in France or Spain Protestants were seeking to break away from a formed national tradition, to overthrow that order on which society and the nation, and therefore their own lives, had been formed. They saw also that in Scotland Catholics were demanding only the right to practise a religion which had been proved not merely consistent with social order, but a very creator of social order, and even of the nation itself. They saw, then, that between the two demands there was a great difference, and it was this difference which Ogilvie proudly proclaimed. "Francis did not exile nor does Philip burn for religion, but for heresy, which is not religion but rebellion."

The secretary of the council evidently appreciated Ogilvie's readiness and chuckled, especially at Spottiswoode. However, the examination had been allowed to leave that admirable plane where statesmen talked of loyalty and omitted faith. It was brought back hurriedly by the assertion that against the King's will Ogilvie had no right to come to Scotland. Against this the Jesuit put up his natural right to be a subject as much as the King's natural right to reign. He asserted the doctrine which still survived from the Middle Ages, that above the King there is a natural law which protects his subjects against him and

that therefore the King cannot exile except for a just cause, The judges accepted this statement, but said that the King was wisely afraid of Jesuits. Then came Ogilvie's great plea for Catholicism, a plea which formed the true historic answer to Cecil's oath of allegiance:

" Let the King do as his mother and all other monarchs of Scotland have done, and there will be no need for him to fear the Jesuits any more than does the King of Spain. What do we owe him more than our ancestors owed to his; why does he seek for more than they left him for inheritance? They never had spiritual jurisdiction, nor did they claim it. They never had any faith other than that which is Catholic and Roman."

CHAPTER VIII

THE VIGIL AND THE THIRD EXAMINATION

After the first examination at Edinburgh, when it was found that neither the threat of the " boot," nor the promise of the King's favour, nor the acuteness of the King's Council could obtain from Ogilvie the betrayal of the unknown Catholics in Scotland, it was advised, says Spottiswoode in the account of the proceedings, that " he (Ogilvie) should be kept without sleep for some nights, which was accordingly done."

The Archbishop called it " the easiest form of tryall that could be used," but does not specify for whom it was easy. Possibly he had in mind what he explains later, that " it was found that nothing helped more to find out the truth of the faults wherewith they were charged than the withholding of their natural sleep." It was probably the easiest way for the judges rather than for the prisoners.

The details of the suffering were put on record by Robert Sinclair in the process of beatification. This man was an advocate, and with a lawyer's mind discriminated clearly between hearsay and evidence. Throughout his statements he was careful to mention the sources of his knowledge and to weigh carefully the words which he used. It was at his house that Ogilvie and many another Catholic priest had stayed in Edinburgh, and though he maintained friendly relations with many Protestants he was already suspect. At the time of this torture, which took place in Edinburgh between the first and second examinations there, Sinclair was also in that town but did not visit the prisoner for fear of being inadvertently betrayed. The authorities brought many people daily into the prison and

tried to find out where and with whom Ogilvie had previously been seen. Rumours were put about that Ogilvie had betrayed everything and then, when a person was arrested on suspicion, such an one was usually ready to betray himself or others, believing that the magistrates already possessed the knowledge. Sinclair, who knew the danger of being seen side by side with Ogilvie and so identified by someone who by chance had seen them before, or of being identified even inadvertently by Ogilvie himself, kept away from the prison during the days of the latter's enforced vigil. Almost every day, however, he sent one or sometimes several other persons to watch and report. Amongst these were certain doctors, and from them Sinclair learnt that the judges had decreed that Ogilvie should be kept awake until he was nigh to death. It was done by driving needles under his nails, by prodding him with sharp-pointed stakes, by dragging him from his couch, by tearing his hair, by shouting in his ear, by flinging him on the floor.

In this way, for eight days and nine nights, the unfortunate Jesuit was kept awake. The doctors, and others whom Sinclair knew, watched Ogilvie particularly during the last three of these days, and admitted that, at the end, another three hours would have meant death. For this reason, the judges allowed Ogilvie a day and a night of rest, bringing him up for examination on the morning of the tenth day, December 22.

This account came not only from Catholics but from Protestants as well, and Sinclair gives the names of four men, servants of Spottiswoode, who were appointed gaolers and who were among his informants. This was the chief torture which Ogilvie suffered. It summed up, indeed, all the other tortures which might have been inflicted: it was acutely physical, for the barbarity of the methods was accentuated by the extreme weakness of the prisoner, induced by lack of sleep; it was mental, for under the

strain the mind of the Jesuit so suffered that he himself wrote of the examination which followed it: "I scarcely knew what I said, or did, or where I was." It was accentuated by the threats of still worse tortures and by the promise of instant rest and reward for compliance; it was worse, probably, than the torture of the rack or boot, for these once given are irreparable; Ogilvie knew, while consciousness remained, that a mere promise would secure not only rest but a return to complete health.

The witnesses of this torture told Sinclair that they were astonished both by Ogilvie's constant and firm mind and by the joyful countenance with which he suffered. These, the heretic gaolers as well as the doctors, acknowledged that by no sign, or word, or action did Ogilvie betray any impatience or weakness, and all those who saw this feat of endurance declared their sorrow that a man of such strength and sanity should be a Jesuit and a priest. The report of this triumph went throughout the length and breadth of Scotland, and was spoken of not only by Sinclair and Mayne and Heygate, who were living there then, but was heard of afterwards by others who visited the country.

Spottiswoode suggests in his account that Ogilvie, under the pain of this week's vigil, made a partial surrender. "It was perceived" he says, "that he remitted much of his former obstinacie and falling to discover certaine of his receavers in Edinburgh gave hope, that by gentle usage he would be drawne to give their lordships' contentment." It is a vague phrase, and was probably intended to be so. Calderwood, a contemporary Presbyterian, mentions a rumour that Ogilvie had betrayed some at this time, but adds that the details never came to the public. It is scarcely possible, if Ogilvie had really made any damaging admissions as to the names of Catholics, that such admissions would have been concealed. It is possible, and even likely, that Spottiswoode's phrase is not meant to

refer to verbal statements, but to inadvertent recognition of others or even by others, which would be sufficient in the eyes of one aspiring to statesmanship of the school of James VI to justify the words "falling to discover certaine of his receavers."

Any temporary weakness of guard on Ogilvie's part seems to have passed by the morning of the tenth day. Though, as he confesses, he scarce knew where he was, his wit seized on some of the questions of his judges and turned them skilfully to his own purposes. The judges prided themselves publicly on their clemency in substituting sleeplessness for bone-breaking. "If you had done the latter, I could still sit at the Confessional or teach or preach and so perform my work and earn my bread, but if you destroy my reason, what can I do as a priest? You have tried to convert me, and you seek a conversion after the heart of your ministers, the conversion of a rational man into a madman, a Jesuit into a fool. You can keep your fat living, if it is to be obtained by a conversion like that."

At these bold words Spottiswoode must have revised his opinion about Ogilvie's willingness to give their lordships contentment.

That vigil was the last serious torture which Ogilvie had to suffer before the supreme torture of death. The fame of his sufferings brought to his support all the Catholics and many of the Protestants of Scotland. Not again, seemingly, did he have to face a hostile mob: though his judges kept him in prison and bound him as before with chains, though they exhibited against him all their spite and venom, he had so triumphed that these torments made but little impression. On that tenth day, when he stood in the judgement hall at Edinburgh and the King's counsellors threatened him with worse tortures, he could reply: "Had I been willing to answer your questions before, I would not do so now, lest I should appear to obey like a beast to blows, when I would not be led by argument.

Do your worst; I will give you as many bones to break as you have instruments of torture; I was born for things above sense, and I trust not in myself but in God's grace. What you do, do quickly; it is all I ask."

The Archbishop protested that this was mere passion, but Ogilvie knew better; the mind which had been firm before had remained deliberate through torture, and with the quiet air of deliberation came the reply:

" I speak with a mind resolved; I will preserve my life if I can; only I will not lose God in doing so; if I cannot keep my life and my God I choose to lose the less for the greater good."

With these words Ogilvie left his judges. Some three months later he was to appear before them again in Glasgow, when the shadow of the gallows was over the market-place and men knew that he appeared only for the sentence of death. He went forth resolved as to his course; there was no longer any of the bitterness of argument; with jokes and satire he meets his accusers, with tenderness his friends; the latter incidents of his narrative leave the impression of something mature, sure of itself, happier and less questioning about his mind, and it is a maturity ripened by the torture of the sleeplessness of eight days and nine nights.

CHAPTER IX

THE DISCUSSIONS

OGILVIE'S first examination at Edinburgh took place on December 12. It was followed immediately by the enforced vigil. He was allowed to rest for a day and a night, and then, on December 22, the examination was resumed. Under the stress of debate his old energy returned, but it was followed naturally enough by reaction. "I was worn out" he wrote afterwards, "with my vigil and with standing about."

His judges and their friends went back with him to his room, and amongst them was one of those busybodies who are always impatient with the slow process of law and with the protection—slight as it was in this case—which it gives to the prisoner. The King's counsellors had behaved with reasonable courtesy in the actual examination, but now Ogilvie, physically and mentally weary, had to listen to a Justice of the Peace (of the Glasgow District and present probably in no official capacity) who wanted to speak his mind to the prisoner. This man declaimed against Ogilvie's stubbornness. He wondered how any Scot should be found to refuse satisfaction to his monarch. Would he were King! Such men should then be boiled in wax! Ogilvie had argued with men like Spottiswoode, but from this fellow all he wanted was a little peace. The petulance of the Justice of the Peace gave him his opportunity. "No doubt," he laughed, "but had God meant to make a king of you he would have made you a little wiser."

Even this did not stop the man's tongue, so Ogilvie sat him down at table and offered to drink with him; the over-

patriotic justice would not drink with a traitor, so Ogilvie amused himself and the company by jokes at his foe's expense.

Spottiswoode above all enjoyed the scene and, with the others present, assured Ogilvie that if he had known the man all his life he could not have been more apposite.

Such was Ogilvie's mind when he came back from the torture and the trial; afterwards he seems to have had scruples about his action, but consoled himself with the thought that he could not have soothed the man with kind words.

Ogilvie's qualm of conscience may have been justified; no one reading his account of the examinations in 1614 could call him meek in the modern acceptance of that misused word. A fierce controversialist, a hardy athlete striving for the faith—by such titles was he renowned to his contemporaries, and justly so; but if by meek is meant that Ogilvie believed it possible that he was wrong and argued with that belief in his mind, then no one could call this Jesuit meek. Yet he had some virtues which would scarcely be expected nowadays in such a debater. His opponent throughout had been Spottiswoode. The Archbishop had made himself responsible for the trials, responsible for the torture. Now, on December 23, when the prisoner was exhausted in mind and body, Spottiswoode took him back to Glasgow and that town, over forty miles distant by a road rough and difficult for riding at all times, was reached on the 24th, the vigil of Christmas. Every jolt of the horse must have been torture to the Jesuit, wearied with sleeplessness and weakened by the imprisonment of a fortnight. And in that cavalcade rode his enemy, Spottiswoode, the man at whose will he had suffered. Yet Ogilvie's memory of that time was only of Spottiswoode's kindness. He noted particularly in his diary the friendliness which the Archbishop displayed as soon as they reached Glasgow. That memory reflects as much the

goodwill of the prisoner as the courtesy of the man who had sat in judgement.

Ogilvie remained in Glasgow from December 24, 1614, till his execution on February 28, 1615.* During this time he was lodged in prison, but his treatment varied considerably, becoming much more severe towards the end. Throughout he was prevented from holding intercourse in prison with anyone save in the presence of the gaoler, and particular care was taken lest his visitors should give him pen or paper. Despite this vigilance he was able in these months to write the account in Latin of his treatment from the date of his arrest, an account which is now the chief source of our detailed knowledge of his trials. He wrote secretly, and the fear of being discovered made it impossible for him (as he noted in his manuscripts) to describe accurately or fully a great part of the incidents which he remembered. The manner in which he transmitted the precious leaves to his friends was described later by John Mayne, one of his fellow-prisoners and the person through whom the manuscript and one or two letters were sent to the Jesuit authorities. The wives and friends of the other prisoners were allowed to visit them, and as they went by Ogilvie's cell he passed them the precious pages through the crack between the door and the floor. He may have obtained the necessary paper and implements in the same manner, but there is at least the hint of another procedure. In a sketchy note of his process in arguing with Presbyterian divines, Ogilvie says that these accused him of overmuch vehemence; he offered, therefore, to put down his arguments in the cold formalism of writing, and this method was used in some arguments about the Mass. Ogilvie claims that his syllogisms on that subject, put together on the spur of the moment, were

* I have preserved the dating of the month in the Old Style because that is the practice of the documents. I have altered the year to New Style (it would be 1614 O.S.) because my mind does not work quickly enough to make this alteration at sight.

sufficient to make such strife between the various schools of Protestants that they did not reply to him. That may have been their reason, and it is not important. But it would not be surprising if the ministers who supplied pen and paper for controversy supplied unwittingly the means by which Ogilvie wrote his relation of the imprisonment.

In these circumstances the diary, or "*relatio incarcerationis*" is, naturally, disjointed, particularly as regards the later incidents. The account of the trials was a fairly straightforward matter; Ogilvie was turning over in his mind the line of argument which he had adopted and had already chosen the points on which, as he saw, the examinations had turned. But of the daily happenings of these last months he could not readily grasp the relative importance, nor had he time to give a full narrative. Those incidents which he chooses for the three weeks from the time of his arrival in Glasgow till January 18, on which day the dice were really cast for life or death, are typical probably of the man's attitude of mind. They are all marked by an ironic humour which Spottiswoode alone perhaps was able to appreciate.

The Archbishop still treated him as an equal and friend, and in the Episcopal orchard he met many of the notables, lay and ecclesiastic, of the district. Amongst these was one who had previously started a rumour that Ogilvie practised witchcraft. It was an accusation all too readily believed, as it was a craft all too frequently attempted, in the seventeenth-century Presbyterian Scotland. This man's tale was that he had seen Ogilvie, long before his capture, murmuring incantations by candlelight and surrounded by a multitude of black beasts which the Jesuit was feeding. The story was, of course, typical of witchcraft all the world over; it was part of the ritual of those who held communion with Satan. When it was spread abroad concerning the Jesuit, although wiser people laughed at it, many of the ministers gave it credence, and

the informer was allowed to tell his tale to the Archbishop. Nor was there wanting circumstantial support. Ogilvie did not deny that the man had seen him, the murmured words, the lighted candles he did not contradict. The preachers might well mutter that there was something in the story after all. It was then that Ogilvie's mirth got the better of him, and with a shout of laughter he told them that what the man had seen was a priest reading his breviary.

On another occasion a minister, fulminating against Ogilvie, remarked that they were entirely ignorant of his past career. Archbishop Spottiswoode was with his prisoner when the statement was mentioned.

" Don't you yourself," he said, " think it a great shame that with all these people taking all this trouble we can't find out anything about you ? If it hadn't been for the discovery of your papers we should not have the flimsiest bit of evidence against you."

Ogilvie accepted the banter, and replied in similar tone: " To tell you the truth, I rather wish you never got hold of even a suspicion of my existence."

It is scarcely surprising that the Archbishop thought his captive amusing. Ogilvie himself was amused with the situation and tells with naivety, but (one may suppose) with some pleasure, how Spottiswoode was said to have remarked to the Chancellor of Scotland that he had never had such a character through his hands before. Another remark of Spottiswoode which pleased Ogilvie was one said to have been made at table. " If this man escapes, you can have me in his place, for ' he would put saut in the kail for us.' "

All this time by these methods Ogilvie was faithfully keeping the secret of his Catholic friends, and sums up the attitude of his captors with some little pride: " They were astonished because my only worry was to save others from suffering and that for my own I rather rejoiced."

Of only one of these conversations did Ogilvie write a full report. It is a good example of the way in which the Jesuit tried to take his captors' minds off his particular case and to bring the discussion round to the doctrinal issues of the Catholics and Protestants. Even in captivity and with the most unpromising material he attempted to continue his missionary labours.

He was walking one day in the bare and wintry gardens of Spottiswoode's palace with several ministers of the district. They were joined by Andrew Knox, a Presbyterian minister who had been converted to the King's episcopacy and had been appointed by James to be Bishop of the Isles. One of the frequent disputations about the Mass had been in progress when Knox turned to Ogilvie with the remark that he could say Mass just as much as the Jesuit. This was the beginning; for the rest it is better to give Ogilvie's version:

Ogilvie: Are you a priest?

Knox: No.

Ogilvie: Then you are not a bishop and can't say Mass.

Knox: If you would give up the inventions of man and follow the religion preached and professed by the Apostles, I would make good provision for you. You've got a keen wit and a great soul.

Ogilvie: This religion you talk about isn't ten years old yet; when I was a boy you believed there was no head of the Church save Christ alone, and you forbade men to say otherwise. Now you all take oath and subscribe to the doctrine that the King is head of the Church in his own kingdom. You used to take oath and subscribe to the denial of that doctrine. . . . That cannot be Apostolic teaching, for Paul says: 'If I destroy what I have built up I make myself a liar. . . .'"

At this sudden attack the ministers preserved silence. They were searching, may be, for the answer.

Ogilvie turned direct to Knox:

"You used to preach at Paisley against episcopacy; yes, you said 'if anyone is made a bishop, I shall openly call him a devil and say that he deserves to be spat upon!' A fortnight after that you were made a bishop. And you weren't content with the bishopric of the Isles, but took a fatter one in Ireland as well. Yes, and William Andrew Couper wrote a book against the order of bishops: he is Bishop of Galloway to-day."

In this tirade the sympathy of some of the ministers may have been with the Jesuit, for the royal bishops were but little loved. However, Ogilvie was not seeking their support, but turned to them now:

"Didn't all the ministers in Scotland take a solemn public oath and covenant that the name and office of bishop was an abomination, and that on no ground at all should it be recognised by the Church of God? And now you teach exactly the opposite doctrine. Tell me, now, are you liars in the Apostolic meaning?"

Two or three now began to talk at once, and out of it there was a general agreement to deny the charge on the ground that they grasped things better now than before.

Ogilvie continued:

"Quite right. You grasp thousands in a bishop's revenue where you scarcely got hundreds from a preacher's stipend. But tell me: if those articles you drew up were true, then why are they now false, or in what way were they true then? You said then that they were the Word of God. And you say now that you teach the Word of God. What can that be but the 'lying doctrine building up and then destroying?' Perhaps this Apostolic teaching is false? Or perhaps this God whose word you preach is self-contradictory? You said then that it was the Light of Truth. If we ought to have believed you then, why should we believe you now you have forsworn your doctrines? And if we believe you now, what sort of

authority or reason could we have credited you with before? On both occasions, before and now, you profess to base your teaching on the Bible. I am very much mistaken if your doctrine is not a lie inconsistent with itself."

Poor old Knox, Bishop of the Isles, believed in the soft word, at any rate on this occasion, and, to turn the conversation if not the wrath, he answered:

"Mr. Ogilvie, you've got courage, and I wish we had a lot more like you to follow me; I should make good use of them."

But the Jesuit was not to be turned from his missionary work by soft words. He wanted these men to think honestly and clearly, so he answered, brutally enough:

"I'd rather follow the hangman to the gallows, for you are going straight to the Devil."

This was too much for the bishop, who asserted his dignity:

"Do you talk like this to me, sir?"

Ogilvie knew how to apologise.

"Pardon me, sir, I have not learnt courtly ways. We Jesuits say whatever we think, and I hate to be a sycophant. I respect your civil office and I honour your grey hairs with the reverence due to your years. I care nothing for your religion and episcopal rank. You are a layman with no more spiritual jurisdiction than your stick. If I think of you in a way you do not want me to express, command silence and I will observe it. If you want me to speak you must let me say what I list and not what you would wish to hear."

The bishop could be as rude as Ogilvie when he was aroused.

"I am sorry," he said, "that bread and butter made you turn Papist from Protestant."

This extraordinary and untrue suggestion brought out all Ogilvie's family pride and wrath.

" You judge me by your own standards, you who abjured two articles of your faith for two episcopates. I am my father's firstborn; even if I knew no letters I should be a noble by right of birth and if, like you, I chose to alter my religion, I should be given by the King a reward not to be despised."

The bishop chose the only course left him: he went away.

Ogilvie says his lordship's exit was made in great dudgeon while he remained laughing over the encounter. Such was the man who had been bullied and tempted and tortured to renounce his faith and his loyalty.

CHAPTER X

THE KING'S QUESTIONS

THE examinations of Ogilvie at Glasgow in October and at Edinburgh in December had been conducted by subordinate magistrates, and the procedure had been determined by them. They had failed to secure the information which they sought. When the report of these examinations was sent to London James I, the supreme civil magistrate, wrote down five questions which were to be put to the Jesuit, and in those five questions he embodied—as only a man of his acute intellect could do—the whole contemporary controversy between the tradition of the Catholic Church and the order of the Protestant State of which James was supreme head. The King's questions were these:

"1. Whether the Pope be judge and have power *in spiritualibus* over his Majesty, and whether that power will reach over his Majesty even *in temporalibus*, if it be *in ordine ad spiritualia* as Bellarmine affirmeth?

"2. Whether the Pope have power to excommunicate Kings (especially such as are not of his Church) as his Majesty?

"3. Whether the Pope have power to depose Kings by him excommunicated? And in particular whether he have power to depose the King his Majesty?

"4. Whether it be no murther to slay his Majesty, being so excommunicated and deposed by the Pope?

"5. Whether the Pope have power to assoyle subjects from the oath of their born and natural allegiance to his Majesty?"

To a man of the twentieth century reading these ques-

tions, the first and most natural impression would be their irrelevance in a trial for treason. They were concerned not with what the accused had done, not even with what he had taught, but with the private opinions which he held. He would then have to learn that in the seventeenth century British Governments did make the expression of opinion on certain matters—not the public expression but the mere answers to questions—a matter of life and death. And he would have to remember that such questions were framed by men of great ability and statesmanlike views, and this practice was not therefore a merely foolish one.

A second glance at these questions would show him that they concerned the relations between Church and State at least for Catholics. And, counting maybe some Catholics amongst his friends, he would say that most of them could easily have been answered by Ogilvie. Of course the first part of the first question, he would admit, might be difficult, for he would not be quite clear what *in spiritualibus* meant. The second part he would regard as mere quibbling on either side, so that Ogilvie might well reply " yes " or " no " as pleased himself or his judges. For the rest he would suppose that Ogilvie could have replied, " The Pope would never do so, so what is the good of these questions ?" A more careful study of the fourth question might, if he were an admirer of Cromwell, cause him to murmur something of Parliament and the people judging the King. And so probably most Catholics, without any denial of their religion, would answer to-day. But Ogilvie did not do so in that January of 1615 when the questions were proposed. Once, indeed, he made an exclamation which finds an echo in the heart of modern man: " Do you deal," he said, " with deeds, for that is your business. Leave opinions to God and his judgement." But the honest historian cannot pretend that this reflects his normal attitude. His answers to the questions are monotonously uniform. He does not deny that they

should be discussed. He refuses only to answer in this court. "Only to the Pope may I answer, for he is judge of religious controversies." Was the Pope, then, to be judge when it was no murder to kill or when this should be the exercise of justice?

It might be said that Ogilvie only evaded the answers which in conscience he believed were right. But Ogilvie did not so fear death. Where he was certain, as in the case of the Pope's jurisdiction, he boldly asserted his faith, even though he had been warned before that to do so made him by law guilty of treason. It might be supposed that Ogilvie had no sense of patriotism. Would he then have proclaimed his rights as a Scotsman? "I have a natural right," he had said, "in my native land." Would he have proclaimed, as he did in his last trial, "I am ready to shed my last drop of blood to defend the King against an invader?"

Facile explanations will not make this incident intelligible. The twentieth century is in face of a condition of affairs which it has forgotten with the rest of its past history.

We take our patriotism to-day on trust, being assured that we shall never be asked to do for it anything inconsistent with justice or religion. We forget that the definition of this patriotism is possible to-day only because for many generations the demands of our governors have been self-restrained within these limits. Such, indeed, is the normal condition of a civilisation, and so obedience to the State is the normal condition of a civilised man. But when the governors of a State demand some new obedience, some unaccustomed service from their subjects, then there ensues a period of transition during which men are not clear where their duty lies. The new demand must be reconciled with the principles of eternal justice, and such reconciliation requires but too often a refusal to obey the State until the governors learn a new self-restraint. And

in such a crisis man's guide will ever be his country's custom. He will judge the new demands by the standard of what his ancestors have done. His attitude will be dictated by the past history of his country. The sixteenth and early seventeenth centuries formed such a period of transition. And so the import to James and to Ogilvie of the King's questions cannot be grasped unless they are considered as the culmination of a very long historical process.

When the modern groupings of European men were as yet unformed the Catholic religion was already received in Europe. It was in that common circumstance that the separate political States took their origin; between the tenth and the fourteenth centuries the complex of institutions, of judicial codes, of literature, which formed the tradition and so the identity of each State, was created, and it was created in every case by men who one and all professed to be Catholic. This circumstance gave a particular colour to the institutions and a particular sentiment to the literature so created, but that was not its only effect. The men of that time understood by the Catholic religion not so much an attitude of mind as a law both of the intellect and of life. To receive the Catholic religion meant to them the reception of a rule and obedience to the courts in which and by which that rule was enforced. It was a rule of conduct binding men to particular and defined actions and to the observance of certain principles in life. It was a rule of the intellect binding them to assent to a series of dogmas and to accept certain intellectual values. They did not expect to be wholly successful in the observance of either rule, but they looked to the Church to instruct them, to correct them when astray from the rule, to educate them in the practice of the law as it affected both their conduct and their intellect. Both as regards life and as regards thought this law, which they accepted, was as much and as little a shackle as law ever is. While

it proscribed certain methods in each case, it enabled men to make progress in others. It set them paths by which to travel.

In these circumstances, then, it was that men formed the separate civil and political unities which became the modern States. Over each of them there was a separate temporal governor, and naturally enough his powers were not unaffected by the conditions in which the States were formed. There are three most important characteristics of that growth. The first is that each of these States was distinguished not only by having a separate ruler, but by having a separate secular tradition. France, England, Castile, Aragon, Scotland, the Majorcas, had each of them their own State law, and the powers of the rulers over their subjects—powers to administer laws and even to create laws—were accorded by the tradition of each country. Each ruler, therefore, had a different measure of authority. There was not, in the Middle Ages, any absolute uniformity of monarchical power.

The second characteristic is that this power of the secular Government was often the heritage of pre-Christian conditions, and often the result of the unchecked growth of custom. It came, therefore, into opposition with the powers accorded by the Church's law to the supreme ruler of the Catholic Church. An immediate corollary of these two characteristics is that the quarrels of Church and State which resulted were different according to the State concerned. In France, for instance, the King could claim, and once did claim, to be wholly independent of the Pope as far as the rights of his crown were concerned. In the Majorcas the King admitted the duties and claimed also the rights which resulted from his being a vassal of the Pope. When the relations of Church and State were expressed in this way, as an opposition between the powers of Pope and King, they often seemed irreconcilable.

This antagonism, however, disappears when the third

characteristic is considered. Throughout these ages men tried to express their function in society in terms of law, and in particular tried to eliminate the opportunity of passion from the relations of Church and State. They thought, not of the powers of Pope and King, but of the law of the Church and the law of the King. The latter was supreme judge of his law as the Pope was of Canon Law. But while supremacy of power would have been absolute over persons so that the King's subject could not be also the Pope's subject, supremacy of law was not so. A man could be obedient to the law of the Church for ecclesiastical matters while obedient to the law of the land for temporal matters. Just because national law had grown in the common acceptance of the Catholic Faith it was always found possible to bring about this consonance of the two laws. It was always found possible to leave each national law independent and still keep it conformed to the law of the Church. Of course, the actual division of causes between one and other was varied in the different countries. When a Pope tried to claim feudal suzerainty over all countries, as he held it by right over the Majorcas, he was met with violent resistance. But the royal and customary law of France, for instance, no less than the adopted law of the vassal State of the Majorcas, could be and was in conformity with the Canon Law of the Church, and remained independent in that conformity.

In those three characteristics lies the secret of medieval development by which its varied and apparently opposed characteristics can be understood. On the one hand, it was an age when men were led by the vigour of their passions to strange and brutal crimes, and that vigour was never more strikingly displayed than in the quarrels of Popes and Kings. On the other hand, in this very period, when the civil societies of modern Europe were being fashioned amongst so much strife, no irremediable breach between Church and State occurred; the laws of the new

States were reconciled with those of the already ancient Church. To explain it a great English thinker has supposed that men thought of Europe in those days as one commonwealth with two sets of officers. Unless one attaches a double meaning to commonwealth such a phrase does not explain the fact. Men were fashioning many and separate civil commonwealths in Europe. Only some thinkers—notably, of course, Dante—desired that these commonwealths should be welded into one, and set that as a future culmination of secular development. Only one State, and that not the most developed, claimed any sort of authority over the rest. And neither France nor England nor the States of Spain acknowledged the rule of the Holy Roman Empire. Their development and their formative thought was away from, rather than towards, such an ideal. Already by the end of the thirteenth century the rulers of the lesser States—and that even in semi-legal documents—were calling the ruler of that Empire the King of Germany. It is not in that conception of a universal empire that the unity of Europe must be sought. It lay rather in those two successful attempts: the one to reduce the relations of Church and States to law, passionless and independent of the transient wills of Kings and Popes; and the other, to keep secular matters subordinate to the supreme law of the Church. In the harmony achieved Europe was at one, and, in a measure, at peace.

This development of Europe affected the attitude which men took to the civil governors whose authority they accepted. In some States the tradition of law assumed that the ruler was in part at least subject to the law which he administered: English and Castilian writers claimed this to be true of their Kings. In other States the ruler was admitted to be free from the laws of which he was the guardian and the source; such was the claim often made for the monarchs of France. But in all States it was admitted that Kings no less than other men were bound

by the laws of the Catholic Church. They might break them as other men did, but they were amenable thereto—should they reject the authority of those laws they would lose, as other men, their place in Christian society and their officium or kingship. Should they rebel against such a decision or even persist in that error, it belonged to Christian society to punish capitally the outlaw against society. Those principles admitted, however (and except for the last they were accepted in the quarrel of Innocent III and John of England), there was much that was undefined, much that the men of the Middle Ages left undiscussed. The Pope no less than the King was bound by the law of God and could not arbitrarily decide to depose by excommunication the ruler of a civil State. It was certainly not clear in what circumstances excommunication would involve deposition, for excommunication was of many kinds. Nor was it clear what body could condemn to death a King deposed and refusing to accept sentence. The Canon Law knew not the capital penalty, so that it did not belong to the Courts Christian; in some States the power was claimed for a tribunal of the community, but such a power was unknown in others. Seldom, indeed, did the questions arise, for the governors did as a rule accept, even if they did not obey, the law of the Church, and the discussions of theologians—exceptionally outspoken and free though these were—were not binding on anyone. All that could be said was that these questions were matters concerning the law of the Church and the consciences of Catholics, and that the supreme judge of that law was the Pope.

The religious strife of the sixteenth century provided occasion for much thinking and writing on the powers of the Pope, and especially on the relation of the Papacy to the secular Governments of Europe. Where the governors of a territory rejected the religion in which the State they inherited had come into being, they had perforce to accept

or supply some other authoritative interpretation of the law of God. In Switzerland and in Scotland a law and courts which could enforce it was supplied by the assemblies of ministers and laymen prescribed by Presbyterian order. The law was necessarily built up from year to year, for there was very little of the old tradition on which the new faith could draw. Much was supplied, of course, by the juridical genius of Calvin. In these countries, then, there was created a new contest of Church and State. It was no longer a contest between two laws, for the edicts of Calvinism were too newly created to be expressed in passionless rules. The quarrel took, therefore, the form of a contest between two powers—the power of the assemblies and the power of the Government, and both of them were theoretically as well as practically limited to the particular kingdom.

In England the development was different. There Henry VIII attempted to retain Catholic teaching and the laws of the Catholic Church, or most of them, without acknowledging the authority of the traditional judge of those laws. It was on a decision made in Canon Law by the Pope respecting matrimony, a question purely of Canon Law, that he quarrelled with the Pope, and one of his chief contemplated changes was a rearrangement of the administration of Canon Law which should make it possible for the secular Government to control the decisions in that law. In this way Henry and his supporters were able to claim that they had not altered the traditional religion of the country. The two codes, the civil and religious, were seemingly kept distinct, and the religious was still supreme, for to it alone belonged matters of the consciences of Christian men. So it was that Bishop Gardiner could say that he saw no more difficulty in calling the King head of the Church than in calling him head of the State; he believed, and it was the English tradition, that in either case the head was subject to the law he administered.

The pragmatic test which demanded that the law of God should be independent of the law of the kingdom, with its admitted blemishes, was seemingly satisfied. It was only on the ground that the King was seizing a judicial authority to which he had no right according to the law of God that Thomas More, after much thought, could base his opposition to Henry VIII's new laws.

The historic sequel to this action of the English Government showed that it was impossible to preserve the traditional religion without the traditional authority of the Pope. First the ministers of Edward VI, and later Elizabeth, altered the worship and the laws which were still called of the Church. England no less than other Protestant countries adopted a new interpretation of the law of God. But in England there was much more confusion than in those countries where the Presbyterian ecclesiastical system had been established. Many different bodies claimed ecclesiastical jurisdiction. The old organisation of bishops and their courts had been left almost intact on their legal side; there was the authority of the high commission, new in most things, but claiming to act on old precedents; there was the authority of Parliament, largely a secular body; there was the authority of the Royal Privy Council. All these powers dealt decisively in Elizabeth's reign with ecclesiastical questions, and it was difficult to say which would be accepted in the future as the supreme exponent of ecclesiastical law, or of what consisted the corpus of that law. When James VI of Scotland became James I of England in 1603 he brought with him to his new country a clearly defined theory of the State and of law which, with the help of Cecil his Minister of State, and of Bancroft his Archbishop of Canterbury, he caused to be adopted as the official teaching of the Anglican Church and the official theory of the English administration. This theory of divine hereditary right claimed that by the law of God all subjects must give entire and willing obedi-

ence to him who succeeds by right of primogeniture, and must admit that this obedience is required by the law of God. James allowed, in theory at any rate, that none should be punished by death for worshipping as their forefathers had done, but all his subjects must denounce as impious and heretical any doctrine that the monarch was bound by a law of which he was not also supreme judge. In practice James maintained the laws of Elizabeth's reign against Papists; he enforced the pecuniary and even the severer penalties against attempted reconversions to Catholicism; but in theory he would allow his Papist subjects to exist, provided they did not claim that the law of the Catholic Church was the law of God. It was in this spirit that he framed the famous oath of allegiance, requiring Catholics not only to admit that their King held the throne whether or no the Pope deposed him, but to denounce as impious and heretical the contrary doctrine, and this no matter the supposed circumstances of deposition. Catholic subjects were required not only to decide against the chief tradition of their faith in this matter, but to brand as heretical an opinion which most of their theologians certainly held.

The theory of divine hereditary right, denying as it did all real meaning to the ancient doctrine of a law supreme over Kings as over subjects, James was able to fit to the existing facts of English life. And in the first half-dozen years of his residence in London he was able to secure its promulgation and practical adoption in his northern kingdom as well. By the time that Ogilvie stood a prisoner before Spottiswoode, the ordered polity of his native country accepted and enforced this theory which made the King independent of all law.

The development of this theory, particularly in England, and from there in administrative fact it came to Scotland, was challenged by Catholic writers from the first, and as it developed they had to formulate counter theories. In

the early stages it was an attempt to identify the supreme judge of the body ecclesiastic with the supreme judge of the body politic, while maintaining the essential separation of the laws of each. So the earliest Catholic apologists, and notably Cardinal Pole, insisted on the separation essential and traditional of the two bodies. "The Church," he wrote, "has nothing at all in common with the body politic," and on this based his claim that the judge of the law of God should be independent of the secular States. Later in the sixteenth century, when England, like other Protestant States, had thrown off the Catholic Canon Law —the traditional law of God and common law of Europe— Catholic apologists had to explain how, and by what right, that law had been enforceable in the past, and so was enforceable now on the governors of secular States. Hitherto it had been accepted and so needed no theory to explain why it was supreme, nor to explain in what matters exactly lay its supremacy over national laws. Different theologians now explained these matters in different ways. Some maintained that the Pope could interfere directly with political matters and abrogate any national law not for the good of Christian men. Others, like Bellarmine the Jesuit, who commanded the larger following, held that there were political matters with which the Pope could not legitimately interfere, but that, where these trenched on spiritual affairs, he could direct and even command the action of secular governors. A few theologians held, as William Watson did in England, that the Pope could never legitimately order Catholics to transfer their obedience to one whom their King regarded as an enemy of the State. These were but theories put forward to explain, in the sixteenth and seventeenth centuries, a condition which had obtained in earlier times. No one of them was in any way binding as yet on Catholic opinion, and this Bellarmine himself admitted. On the other hand, one and all of these theologians admitted the existence

of a law of God inherent in the Catholic Church and administered by the Pope as supreme judge. They were able to hold differing opinions concerning the power of the Pope over Kings and rulers only because there had been no definition in Canon Law of that power. Even the Bull *Regnans in excelsis*, by which Pius V had declared Elizabeth's subjects freed from their obedience to her, was not regarded by theologians as defining this power in the political sense. They held it did but bind her to abdicate under pain of sin, but did not bind her subjects to rebel or transfer their allegiance to another.

Despite this lack of definition as to the exact theory of the relations of monarchy and papal power, there is no doubt that the general tradition of theologians was in favour of a wide rather than a narrow interpretation of the papal authority. The deposing power, in the case of a prince who deliberately sought to turn his people to apostacy from the Church, was almost certainly taught by "the mind of the Church." Furthermore, the Pope had expressly condemned under pain of excommunication all who should take the oath affirming this opinion to be heretical. In any case Catholics were bound to hold that the Pope was supreme judge in all matters of conscience, for these pertained to faith and to the law of the Church: that at least they must profess.

These considerations must be borne in mind if we are to understand Ogilvie's attitude. His was an age of transition. The medieval explanation of the duties of Kings no longer held good, for the facts, of which the doctrine was but an explanation, no longer obtained. His faith, therefore, did not bind him to an assertion of the deposing power, though that had the weight of all Catholic and European tradition behind it. On the other hand, the denial of that deposing power (which would mean nowadays only that established temporal authority should be respected) meant then agreement with James's theory that

divine hereditary monarchical right was binding by the law of God: this was plainly contrary to Catholic doctrine which taught that the Pope alone could define that law. In such circumstances he could refuse to answer because it was a matter of conscience. But just because this matter was one of great importance to public order he could not arrogate to himself the right to decide as he pleased. That way—the way of the Puritans—led to anarchy. He was bound, then, for the sake of public order, to submit his will to a law tribunal which was consistent with public order. The Catholic Faith bade him submit to the Pope and Canon Law, and all European history was witness that these had never been found incompatible with the public order of temporal kingdoms.

These and similar considerations must have been in Ogilvie's mind when he heard the King's paper read, for these questions had been debated for nigh a hundred years, and much of the literature had come from the pens of Jesuits like himself. Let us look again at the King's questions:

" 1. Whether the Pope be judge and have power *in spiritualibus* over his Majesty, and whether that power will reach over his Majesty even *in temporalibus*, if it be *in ordine ad spiritualia* as Bellarmine affirmeth ?

" 2. Whether the Pope have power to excommunicate Kings (especially such as are not of his Church) as his Majesty ?

" 3. Whether the Pope have power to depose Kings, by him excommunicated ? And in particular whether he have power to depose the King his Majesty ?

" 4. Whether it be no murther to slay his Majesty, being so excommunicated and deposed by the Pope ?

" 5. Whether the Pope have power to assoyle subjects from the oath of their born and natural allegiance to his Majestie ?"

These questions had already appeared in one form or

another in the earlier examinations. On the day after his capture Ogilvie had been asked whether the Pope had spiritual jurisdiction over Kings, and had then asserted it as of faith, although his judges warned him that to do so was to incur the penalties of high treason. Now again he reaffirmed his faith, adding only that this papal authority existed because the King was baptised. Ogilvie himself does not report his reply to the second part of the first question (indeed his whole account is obviously hurried), but Spottiswoode reports him as declining to express an opinion except to the Pope or his representative " who alone has the right to demand an answer in anything that concerns religion."

To this first question, then, Ogilvie made a careful reply, and one, furthermore, which he was bound to make as a Catholic. He expressed no private theory of his own, not even one which he had learnt from the theologians of his order, but the very minimum which his faith demanded. The same care and exactitude was shown in his other answers. He asserted the right of the Pope to excommunicate, and, when confronted with the claim that the King was not of the Pope's Church, counterclaimed that a heretic was in the Church as far as incidence of punishment was concerned just as rebels were still subject to civil punishment.

Spottiswoode wrote that Ogilvie's answer to the third question was that he would give answer only to the lawful judge in controversies of religion, and this, on Ogilvie's own statement, is the main purport of his reply. But it conceals the elaborate care with which he defined his position. He told his opponents that many doctors accepted this deposing power; he told them it was a probable doctrine; he promised them that when it was defined he would be ready to die for its profession. Only now, because it was undefined, he would answer only to the Pope or his representative. There could scarcely be a

more careful or exact statement of the attitude which all Catholics must take, save perhaps a statement (which Ogilvie had made in the October examination) that the Pope could not depose a legitimate prince who was also obedient to the Church. The fifth question should historically have formed part of the third (and possibly did do so, for Spottiswoode as well as Ogilvie may have failed to preserve the actual order of the questions) since it was the ordinary means by which deposition was pronounced. Ogilvie's answer to it was the same.

So far there is no doubt, then, that as the questions were put Ogilvie was bound by his faith to answer in the sense in which he did. This is not quite so clear with regard to the fourth question. The best reputed theologians of the Church—Aquinas, Suarez, Bellarmine—had all condemned tyrannicide, even though they held it legitimate to depose the tyrant. John of Salisbury in earlier times, Mariana quite recently, had taught it to be legitimate. But Mariana, who alone need be considered for John of Salisbury was in no way official, although a recognised Jesuit teacher, had written his book *De rege et regis officio* as a Spaniard. It was written at the request of his young King's tutor and for that young King's instruction. Furthermore, it professed to teach especially what were the traditions of the Spanish States. In it Mariana discussed not the agitated questions of Church and State, but the quite different ones of the relation of sovereign and people. And he argued that in Spain the sovereign was bound to observe the laws which he was chosen to enforce; there were laws which the King could not alter without the consent of his people, laws of royal succession, laws as to the amount of taxation, laws as to the form of religion. If the King attempted to alter these laws or to bring foreign soldiery in to control his kingdom, then he was a tyrant. If he did so a public meeting of the estates of his kingdom could depose him, and, if he refused to abide by their

law, could sentence him to death. In that sense Mariana taught tyrannicide, but it was based on the positive law of Spain, and on the judgement of a Spanish court, and not on ecclesiastical law. Only in two cases does Mariana seem to go further than this. One who attempts to secure the throne without hereditary right or any claim of election he brands as a public enemy; such an one can be put to death by any citizen without form of trial. Should the tyrant make it impossible for the estates of the kingdom to meet, Mariana appears to hold that then the tyrant should be treated as implicitly condemned and deposed, and subject to the same penalties as the usurper. This doctrine of Mariana's is important because he was at the time of Ogilvie's trial still famous as the preacher of tyrannicide, and (although his books were not, like those of Suarez and Bellarmine, brought into court) it may be that James and Spottiswoode wished to foist on Ogilvie the opinions of the other Jesuit, despite the fact that the doctrine of assassination had been officially condemned by the Jesuit General. It is important, too, because even Mariana the extremist distinguishes between the death as a result of judicial sentence and the death meted out by an individual citizen. This distinction seemingly was in Ogilvie's mind. At his first examination he had been asked whether he approved of the Gunpowder Plot. He replied that he detested parricide and had no word of praise for the plotters. In this case he wrote the word " parricidia " which was in common currency for assassination of monarchs. When his judges asserted that many Catholics taught this practice, Ogilvie quoted them the Acts of the Council of Constance expressly condemning it. Bearing this in mind we must look at his reply to the King's fourth question. The phrase was " whether it be no murther to slay his Majesty," which in English might be taken to mean either the capital punishment by law or the act of an assassin. Ogilvie's own phrase is *an rex excom-*

municatus Papae jussu possit interfici, while he had used *necari posse* in describing, in the earlier trial, the acts referred to by the decree of Constance. It would seem probable, therefore, that Ogilvie had now in mind the capital punishment accorded after due sentence of law. To James I, of course, either opinion was equally heinous, but Catholic thinkers had already made the distinction clearly enough, and certainly there was a strong weight of tradition to support the claim that a Christian society could punish by death those whom the Church declared to be rebels against the Christian faith. If he held that the doctrine applied equally to princes, Ogilvie could scarcely be held a bad Catholic. He was almost, if not entirely, bound to answer as he did:

"You have no spiritual jurisdiction whatsoever; lest I should seem even to acknowledge that the King has such a jurisdiction, I will not answer in this matter which concerns Christian doctrine."

Thus, then, Ogilvie answered the royal questionnaire, concealing any personal opinions of his own which might give offence to the King's Majesty, but asserting clearly and unmistakably whatever his faith bound him to assert. The times were difficult indeed. James had succeeded to a State already largely organised outside the Catholic Church. He may have been sincere in his own doctrines of sovereignty. But he made it impossible for a good Catholic to be also a loyal subject. By insisting on prying into the secrets of religious opinion he made it impossible for any to be a loyal subject who did not also acknowledge in the King's government the divine attribute of judging the conscience of man. Ogilvie stood in a sense, as did all those who resisted the royal ecclesiastical procedure, for freedom from an impossible secular tyranny. But Ogilvie resisted in the name of an ancient tradition and a law older than the King's. He was forced into this position because he was loyal to the Catholic Church and to its teaching.

CHAPTER XI

THE FINAL TRIAL AND DEATH

THERE is one clear break in Ogilvie's *relatio incarcerationis*. He was brought back to Glasgow, he tells us, immediately after the Edinburgh examination. After that, there follow two or three stories of events which occurred in Glasgow, and in all of which Spottiswoode behaved in a friendly manner to his prisoner. Then quite suddenly Ogilvie's mind runs back, and a sentence begins: " I came to Glasgow on Christmas Eve, and I am now bound by both feet to an iron bar."

This sudden break of the chronological sequence of the story was probably due to the circumstances in which Ogilvie wrote. Down to the time when the King's five questions arrived Ogilvie had been friendly with the ministers, and probably had managed to write the account of his imprisonment up to date. The fulness of detail and the friendly tone to Spottiswoode confirm the supposition. Almost the last sentence of this section runs: " He (Spottiswoode) talks to me in a most friendly way."

Some time after that Ogilvie took up his pen again, but in very different conditions; his narrative now tells of chains instead of courtesy and, beginning as it were afresh, he wrote: " I came to Glasgow on Christmas Eve."

This second period almost certainly followed the King's questions. In fact, the description of the chains is only an introduction to a very brief narration of those questions and his answers to them. There is nothing like the amount of detail given by Ogilvie for the previous trials; in writing this account he was much more hurried than when he was describing his arrest or the earlier examination.

Besides the diary two letters of Ogilvie have been preserved of this period. The first is addressed to all Catholics on behalf of John Mayne, who was still in prison and under sentence of death for hearing Mass said by Ogilvie, but for whom it was expected the King would commute the sentence to exile.

This letter is dated January 28—*i.e.*, ten days after Ogilvie had answered the King's questions—and runs thus:

"I, John Ogilvie, Priest of the Society of Jesus, was arrested three months ago for the faith's sake, and the bearer of this letter, John Mayne, M.A., was arrested with me. I lie now in prison at Glasgow burdened with weights of 100 lbs. and more: I await death. I am witness that the aforesaid bearer of this letter has suffered much in prison, has lost his country and his property because he remained firm in the true faith. By the judge's sentence he is outlawed and condemned to die if he remains in Scotland. Wherefore, if the King's shame should change that sentence into exile, let Catholics be mindful of Christian charity, lest the means of life be lacking to one who, for Christ's sake, has heard the judge condemn him to death. Written hurriedly and secretly in my cell at Glasgow, 28 Jan., 1615."

Mayne was still in prison nearly a month later when Ogilvie sent him the narrative which had now been completed. The watch which was being kept on the Jesuit's movements rendered it hopeless to expect to be able to write much more and, with the last pages, Ogilvie sent to Mayne this covering letter for the Provincial of the Jesuits in Austria, Fr. Alberi:

"You will learn best from John Mayne, the bearer of this letter, how I am situated. It is a serious crime to be discovered writing, so I must make haste before the gaoler returns. Your reverence received me into the Society of Jesus in Austria, and on this account I commend my

children to you (as to a grandfather) with greater confidence; I hope therefore that if John Mayne, the bearer of this letter, should need your help he will find the most worthy Ferdinand to be a veritable father of German charity.

"A part of my experiences I have written and sent to Mr. Mayne. Let him have them prepared for the annals if you like, and along with them anything he shall have done. I commend me to your prayers. Written from Glasgow prison, in which I am loaded with a 200 lbs. iron weight, and where I look forward to death unless I accept the King's gifts, a fat living, and abjure my faith. I was tortured once by a vigil of 9 nights and 8 days; now I await the second torture and—after death. . . . The gaoler will come."

Those, so far as we can tell, were the last words Ogilvie wrote. The letter is dated February 22, and already he knew that death lay before him.

From this point the narrative of the imprisonment was continued by his fellow-captives, and chiefly by Mayne. It professes only to be a description of the events of the last eight days of Ogilvie's life, but the first paragraph refers to Ogilvie's imprisonment during the two or three weeks before Mayne received the letter to Alberi.

From this description, however, it is easy to grasp the circumstances in which the Jesuit passed these days. He had been chained before, but his chains had left him free to move a little, to shift his position at least from lying to sitting. Now the Archbishop removed the gaoler and sent in his stead one of his own stewards who kept the prisoner in complete solitude, doubled the chains, and made them absolutely secure. While the Archbishop was away his wife seems to have procured a slight amelioration of the prisoner's lot; Mayne says uncharitably that she only did this when she was in her cups, and indeed that

was the reputation which she had. Ogilvie probably adopted a more gallant and charitable view, but in any case her influence ceased as soon as it came to the Archbishop's ears; he summoned his wife to join him at Edinburgh and left his prisoner to the mercy of the gaoler.

Ogilvie had entered on this, almost the last, stage of his life, with the conviction of approaching death. It breathes in every line of his letters to Alberi, to Mayne, to those who should see his diary. We may well believe that as a Jesuit he made some use of this period as a retreat in preparation for death. It had long been a saying amongst the faithful that, next to the martyr's, the felon's death was happiest, for he had time assured for preparation. Ogilvie, expecting a felon's death, and by it martyrdom, may well have been pleased that thus early he could see that his end was near, and that in these days he was withdrawn from the fierce dialectical wars with the ministers and judges. Even so his enemies would not allow him the peace of imprisonment; his solitude was broken, not by the company of friends, but by the watchful silent hatred of foes; night by night bands of citizens kept watch lest he should escape. His assurance that, were his chains of wax, were the prison doors flung wide, yet he would not escape, fell on heedless ears. Waking, sleeping, eating, he was encompassed by foes who denied him all human intercourse.

A week, nearly two weeks, passed by. At last the Archbishop returned from Edinburgh, and in his company many a noble known as a hater of Popery. They had come to sit in judgement on the Jesuit. A King's messenger arrived, and soon the whole town knew that he had brought the royal letters—letters which ordered that the captive must die as a traitor if he persisted in his former answers. The magistrates came to the prison and gave solemn legal warning that the trial was fixed for the last day of February. On the Archbishop's behalf they told the prisoner that he

would not be tried for Mass-saying, or anything else that concerned his profession, but for the answers he had made to the questions proposed to him by his Majesty's Commissioners. They offered on his Grace's behalf the assurance of his patronage, should Ogilvie retract his former answers.

By Spottiswoode's own account Ogilvie answered them courteously, thanked the Archbishop, but refused to recall anything that he had said.

Shortly after the official visitors came the ministers of Glasgow and with them the famous Master William Struthers of Edinburgh. With them Ogilvie would have no colloquy; he was resolved, he said, what to do, and if he stood in need of their comfort, he would advise them. The King's double gift—the rich living and the alien faith—had indeed many hawkers, and even the great Earl of Lothian himself visited the prisoner's cell. He fared no better than the ministers: whatever resolutions Ogilvie had made in his solitude that of surrender was not included.

Nor had he attempted to ignore the death to which he knew he was going. On these last days it was very present to his mind. When the gaolers came to him he asked them for news; they said they had none. "Then," said he, "I will give you some. To-morrow or the next day a priest must die." He had learnt, on the other hand, to face this prospect with a joy which is thrown into relief by the solemn ceremonies with which he surrounded it. On the Monday—the day before the last trial—he had his feet washed in the presence of all, and then solemnly invited them to be present at his nuptial feast on the following day.

At night men built up the scaffolding for execution. The gaolers and the citizens knew then that Ogilvie was to die, and many of them celebrated the building of that scaffold as though it was the preparation for a festival. A woman, a Protestant and ignorant, said afterwards that,

looking from her window she saw a man coming from the prison to the scaffold, a man clothed in white and shining raiment, with hands joined and raised in prayer; at the scaffold he knelt in prayer, crying aloud and clear:

> "Maria, mater gratiae, mater misericordiae,
> Tu nos ab hoste protege et hora mortis suscipe."

It is a curious story, because the woman was able to repeat the Latin words (and she knew nothing of the language) to Margaret Hamilton, the Earl of Abercorn's sister, who seems to have been convinced by the woman's oath.

Whatever may be the truth of this story, there are other and more certain accounts of the happenings of this night. The gaolers had given themselves up to merrymaking. Their noise made it difficult for Ogilvie to spend the night, as he wished, in prayer, but it also made possible the visit of John Browne of Loghhill, who then and afterwards suffered much for the Catholic Faith. He had been able to arrange, as he thought, a means of escape for the imprisoned Jesuit, and came to open his plans to the prisoner. The latter received his visitor with affection and even with laughter, but he refused all persuasions to flight; he would rather, he said, death in this cause than life itself, and so strongly did he feel this that he was fearful even of being carried off from the prison. The strength of Ogilvie's mind and will bore down his would-be deliverer, and the two friends parted with a promise from Browne that he would stay to see the end of Ogilvie's work, and would try to keep near to him on the following day.

When the first streaks of dawn began to show, the noise in the prison died away. While his gaolers slept Ogilvie gave himself to prayer, and when, some hours later, the Provost and his guard came to demand the prisoner they found him ready and happy for the final conflict. There was nothing now to fear from the populace. The Catholics, who had once believed him a traitor and had greeted him with curses and mud, knew now that he had been constant,

even under torture; they greeted him with good wishes, with prayers, and with tears. Even the Protestants, pleased as a mob is usually pleased with conspicuous gallantry, greeted him as did those of his own faith.

When Ogilvie appeared before the Provost and Bailies on the last day of February, 1615, the procedure was different from that which had been adopted before at Glasgow or at Edinburgh. At Glasgow he had been examined to discover in what way or to what degree he had broken the laws: at Edinburgh he had been examined in order to find out who had been associated with him in opposing the statutes affecting religion; now he was being tried on a definite capital charge. However determined and bitter the persecution of Catholics was in Scotland and England under the Government of James I, it must be allowed to his credit that a process of law was followed in each case. The ordinary tribunals of justice were often superseded; in this trial of John Ogilvie the Provost and Bailies were sitting not in virtue of their magisterial authority, but in virtue of a special commission from his Majesty with special instructions as to the proof of guilt. The statutes which were quoted were often wrested from their meaning; in this trial the King's advocate quoted one of James I of Scotland which had certainly not been intended to attack the Papal jurisdiction. Nevertheless the juridical process was better than the mere use of violent suppression. It gave to the prisoner some slight protection; it forced on men's minds some understanding of the conflict, and they came to realise in the course of years that these prosecutions were unjust. Without any alteration of the penal laws the persecution of Catholics became less bitter, and the death penalty ceased to be inflicted long before the statutes authorising it were repealed.

In 1615 that development, by which the modern practice of toleration was reached, had scarcely begun. John Ogilvie was brought before judges and jury in the town

house in Glasgow; the arraignment was delivered in legal form, and the prisoner was given opportunity to defend himself; but already the gallows had been erected in the market square, and men knew that the prisoner must die.

An imposing bench of judges faced John Ogilvie at eleven o'clock on this winter's morning. Not only the town magistrates, who were all landed gentry of the neighbourhood, but seven noblemen also sat in judgement. Of these assistants the chief was Spottiswoode, who, more than five months before, had struck the prisoner now brought before him. The first business was the reading of the indictment. Mr. William Hay was deputy for his Majesty's Attorney-General, and for some quarter of an hour read a lengthy and involved statement of the case. By the process then in use this was the first certain information of the charge accorded to the prisoner. He heard first a statement of the majesty of Kings. They were God's lieutenants on earth for the repressing of violence, oppression, and vice. With that Ogilvie would agree. In Scotland they were favoured with a more ancient, just, and permanent descent of lawful Kings than any other nation of the world. God had not only rewarded his Majesty's zeal and righteousness with wealth and peace, but with the accession of the most mighty and flourishing kingdoms of England, France, and Ireland. Ogilvie was a Scotsman, and so he probably agreed with that. Then the lawyer called to mind how at Perth in 1606 the estates of the realm had acknowledged the King's prerogative and sovereign power over all estates, persons, and causes whatsoever. This was the first statute quoted, but no penalty was attached to punish those who disagreed, or interpreted it in a manner other than that of his Majesty. Another earlier statute was mentioned. On May 22, 1584, it had been ordained in the Parliament held at Edinburgh that his Highness was judge, competent to all persons his subjects, in all matters wherein they should be charged, to

answer such things as should be enquired of them by our said sovereign Lord and his counsel; and that none of them should decline this judgement under pain of treason. This certainly could be applied to Ogilvie. The lawyer did not cease quoting; a statute of James I of Scotland had ordained that all the King's lieges should live and be governed under the King's law and statutes, and under no law of other countries and realms under pains of treason. When this statute had been drawn the King's law enforced obedience to the Pope's jurisdiction; certainly the law of other countries and realms had not meant the law of the Church, but now the Pope was treated as a "foreign bishop." Ogilvie had but little time to think, for the indictment proceeded to specify how he had infringed these laws. He had renounced his natural allegiance and duty, and dedicated his mind and actions to the unlawful obedience of foreign powers, adversaries to his Majesty. He had endeavoured to pervert the King's lieges from their dutiful obedience.

Especially he had made certain answers to the questions proposed to him by the Archbishop of Glasgow. The earlier accusations were vague, but the answers to the King's questions were specified exactly. With regard to the deposition of excommunicated Kings by the Pope, the lawfulness of slaying Kings so deposed, the assoiling of subjects from their allegiance, the prisoner had answered treasonably that he would not declare his mind except to the judge in controversies of religion, whom by another answer he had declared to be the Pope or any having authority from him. There was no vague charge here, and the Crown prosecutor was only stating the answers of the prisoner. Because of these answers the Crown maintained "thereby you not only declined treasonably his Majesty's jurisdiction, allowing of the Pope's jurisdiction which is discharged by Acts of Parliament," but with regard to the first had "committed most damnable and high treason in not acknowledging that the Pope hath

no power to depose his Majesty"; with regard to the second, "by not answering clearly that it is altogether unlawful, damnable, and diabolical once to think that it is lawful to slay his most sacred Majesty you have committed most heinous, pernicious, and unpardonable treason"; and with regard to the third "committed wilful and detestable treason in not acknowledging professedly and presently that none on earth had power to assoil his Majesty's subjects from their natural subjection and allegiance to him." In addition to these proofs, the prisoner had shown how deliberate was his treason by condemning freely and unrequiredly the oaths of supremacy and allegiance given to his Majesty by his subjects in his dominions.

With these comments the indictment closed and, stripped of verbiage, the charge of treason was on two counts. One was positive; Ogilvie had asserted the Papal jurisdiction and to that extent denied the King's complete jurisdiction over all causes. The other was negative; Ogilvie had failed to assert the beliefs implied by the claims of divine right for the secular ruler, the claim of indefeasible right, the claim to be beyond the sentence of death, the claim to be entitled always to allegiance. This summary was made clear by the attorney of the Crown in a short explanatory speech. He pointed out that the charge was not of Mass-saying, nor, he added, "for any point touching you in conscience properly," but first for declining his Majesty's jurisdiction, and secondly for maintaining treasonable opinions.

Let us examine this double charge a little more closely. It was one of treason, and treason was defined by statute. With regard to the declining of the jurisdiction, the statutes had been mentioned and at the end of the charge they were read. That was clear enough, but the opinions of which Ogilvie was held to be guilty because of his silence were not defined as treason by any of the statutes quoted, and, indeed, in Scots law there was no "constructive" Treasons

Act. The attitude of the prosecution in their regard could be justified only if the theory of the divine right of Kings was legally binding on all subjects. An exception must perhaps be made with regard to Ogilvie's condemnation of the oath of allegiance; as this was made statutory after the union of crowns, it was possibly treasonable to assert its incompetence. The offences alleged against the prisoner were then statutorily treasonable only in that he asserted the Papal jurisdiction and in that he condemned the oath of allegiance.

The King's attorney submitted the answers, previously subscribed by Ogilvie, as evidence, and the latter was then allowed by the Court to speak in his own defence. Spottiswoode gives a short account of what his prisoner said. Most of it, though not confirmed by other evidence, seems likely enough. He declined first to admit the competence of the Court. Had he been really guilty of treason, or if the charges were really of treason, such a claim would have been absurd; no country, Catholic or Protestant, allowed a cleric to decline the secular jurisdiction when so charged. Ogilvie's argument, therefore, was to show that the offences alleged were not treasonable—*i.e.*, were not against public order as recognised by civilised States. "I deny," he said, "any point laid against me to be treason: for if it were treason it would be treason in all places and in all kingdoms; but that is known not to be so. As for your Acts of Parliament, they were made by a lot of partial men, the best of the land not agreeing with them, and of matters not subject to their forum, for which I will not give a rotten fig." In a loose sense, of course, treason might also be taken as any act of enmity to the King as well as any act against public order, and this consideration seems to have occurred to Ogilvie. According to Spottiswoode he concluded thus: "Where I am thought an enemy to the King's Majesty's authority, I know none other authority he hath but that which he

received from his predecessors, who acknowledged the Pope of Rome his jurisdiction. If the King will be to me as his predecessors were to mine, I will obey and acknowledge him for my King; but if he do otherwise and play the runagate from God, as he and all you do, I will not acknowledge him more than this old hat."

Ogilvie was ever a vehement debater and had the trick of illustrating his opinions by seizing on some handy material object. In his controversy with Bishop Knox he had pointed to the latter's stick as having spiritual authority equal to that of his lordship. Now to express his disdain for that of his judges or his Majesty, he likened it to "a rotten fig," "an old hat," and probably flourished the hat at his judges.* Spottiswoode urged the prisoner to greater calm, who, though denying the competence of the Court, accepted the warning and promised to speak more coldly.

These discussions between Spottiswoode and the prisoner were of frequent occurrence during this trial, and both the Archbishop and Mayne bear witness to the fact. Despite them, however, the due order of the trial had to be followed, for the King had so willed. The attorney for the Crown insisted that the jury should now be chosen and sworn at the bar according to custom. The roll then was called of fifteen of the local gentry who had been summoned to decide the guilt of the Jesuit.

The due order of the law was followed and the prisoner was asked whether he offered objection to any one of these his fifteen judges. Such was the legitimate and reasonable device which civilised men had adopted to protect prisoners from private enmities; it was devised in order that the decision might be given in accord with the evidence, and

* It is possible, of course, that Spottiswoode invented or exaggerated Ogilvie's similes. The incident is not mentioned by the prisoner's friends, and the habit of apologists for the Government in the seventeenth century was such as to presuppose a little damaging exaggeration in their reports of a prisoner's speech.

not by reason of the person of the prisoner. Where all men were agreed on the evil of the deeds accused, it sufficed to get an honest man to say whether or no they had been committed. But when the charge was one which half or more of the civilised world regarded as a virtue, the issue was not so simple; impartiality was impossible, and a man must be either a devoted friend or a bitter enemy of the prisoner so charged. He had, Spottiswoode wrote of Ogilvie, but one exception for them all: they were either enemies to his cause, or friends; if enemies, they could not be admitted upon his trial, and if they were his friends they should stand prisoners at the bar with him.

The exception was not admitted. It was an occasion merely for some further bickering between prisoner and magistrate.

After the jury had been sworn, they put the King's questions to Ogilvie one by one. For about two hours the onlookers heard speeches of some length by the prisoner in defence of his attitude and answers, and shorter ones by Spottiswoode who, by his own account, intervened as often as he thought there was occasion for him to do so. Neither Mayne nor the Archbishop managed to secure a full account of all that was said, and neither of them probably preserved the strict order of the speeches. Some points, however, impressed themselves. The friends of Ogilvie were particularly careful to note his answers to the question concerning the slaying of the King. They understood by it, possibly because Ogilvie made it clear, the execution of a monarch by legal process and record it in the equivalent Latin phrase. They are careful to relate that Ogilvie again expressed his detestation of parricide—*i.e.*, of assassination. When pressed to answer the royal question plainly, he demanded to be judged by his words and by his deeds. "Leave opinions," he added, "to God, for they belong to His judgement." A juryman urged him to submit in this matter to the royal will. "In all that

concerns the King," he replied, "I will be slavishly obedient; if any attack his temporal power, I will shed my last drop of blood for him. But in the things of spiritual jurisdiction, which the King unjustly seizes, I cannot and must not obey." Spottiswoode's account, even in the vaguer English terms, is susceptible of the same meaning. Though in a short speech he used the examples of Henry III and Henry IV (who, though Catholics, had both been assassinated by fanatic Catholics) as evidence of the result of Catholic teaching, still when he put the question to the prisoner it was in the form, "Is it a controversy of religion whether his Majesty may be lawfully killed or not?"

And Spottiswoode admitted, too, that the prisoner intermixed some speeches of the services which he and other Jesuits had given to his Majesty. With this insistence on loyalty and on a loyalty which was active, Ogilvie would not stir from the attitude he had previously taken up. The Pope's power to depose Kings was a controversy of religion; if it were defined by the Church he would die for it; till then he would hold his peace at least in the court. So, too, with the execution of Kings.

Ogilvie did not fail to realise the implication of his claims for the Pope. Unless the King would abandon his demand for entire spiritual allegiance from all his subjects, Catholics must eventually deny him even their temporal obedience. Ogilvie quoted to his judges once and again the legal tag: "He loses his rights who seizes those not his own."

So, too, Ogilvie realised that the statutes of the realm adjudged these claims to be treason. They were so defined by recent Acts of Parliament, but against these he set up those of previous ages which, as he proudly told his judges, one and all defended his cause in that court.

Spottiswoode thought fit to answer Ogilvie's assertions with a lengthy speech, dealing both with the exegesis and history which the prisoner had urged. It had no merit

on either ground, but was a repetition of that contained in the preambles to all the English Reformation statutes. When it was completed, Spottiswoode asked the prisoner whether he would go into exile if the King ordered him to do so. This Ogilvie refused on the ground that he had committed no crime. "If all the hairs of my head were priests," he added, "they should all come into this kingdom." Spottiswoode claimed that the King might rid himself and his country of those with whom he was offended, but Ogilvie held too dearly the ancient liberties of the Scot to agree to this modern doctrine. "I am a subject as free," he said, "as the King's a king; he cannot discharge me if I be not an offender." And being asked for what offences he might be discharged by the King, answered: "In the cases of murder and theft."

No man could doubt the verdict of the jury, and sentence of death—a traitor's death—was solemnly pronounced. Scarce one word of bitterness, and none on his own behalf, had crossed Ogilvie's lips; when the judges were retiring to consult, he had reminded them of the judgement of Almighty God and exclaimed against the iniquity of their judgements on Catholics. There was still time for them to be just, and Ogilvie appealed to their consciences. As soon as the sentence was pronounced he thanked them all, offered them his forgiveness, and prayed God for their pardon.

Let it not be supposed that Ogilvie was so sure of himself that his will did not tremble. His humility asked for time to pray, and he spent the hours, while his judges dined, on his knees in the hall of judgement. His humility, too, asked for the prayers of others. It had not been for vainglory that he had asked John Browne to keep near him on this fatal day. His was a soul which wanted and which cried out for the help of the prayers of others. He knew not anything of that pride which would go lonely to death. Here in the judgement hall he cried for the prayers of

Catholic men. On the scaffold he rejoiced in the ministrations and comforts of his friend and in the prayers of those around him; he died beseeching the Queen of heaven and the Saints to pray for him. The strenuous athlete of the dialectic contests, the warrior fierce and bitter against the royal claim to dominion of conscience, was also the humble servant who begged for the prayers of others.

Ogilvie was still on his knees when the Sheriff and executioner arrived. He kissed the man who was to perform the act of death, bidding him to be of good cheer, and assuring him of forgiveness. The prisoner was then led through the crowded street and square to the scaffold. He had been forbidden by Spottiswoode to address the assembled people, and so in the way of sorrow he went silent in the midst of the great company. Amongst the guard walked the minister, Robert Scot, exhorting him to submit even now to the King, and promising him great rewards for such submission. So they came to the place of execution. Ogilvie greeted his altar with a kiss and knelt to pray.

While he was so occupied, Robert Scot declared to the people that the execution was not for any matter of religion but for heinous treason against the King's Majesty. Stung by the unfairness of this procedure, Ogilvie interrupted the minister, and there followed a short dialogue between the two, of which various members of the crowd have placed on record such scraps as they heard. The men whom Mayne had asked to watch saw Ogilvie first shake his head, and heard him then exclaim: " I wonder at your behaving in this fashion; you forbid me to speak and then slander me with lies. While you force me to silence, you invent for me statements to the prejudice of his Majesty. I have never done nor said such things. I have simply maintained the Pope's spiritual jurisdiction in these realms and over all Christians in the world, and his power to excommunicate heretic Kings. If I have said aught else, show it to the

people. These things only have I said, these things I have written, for these I am ready to die. As for you, you have carried false tales to the King, and now would wish to persuade the people they are true."

Both the boy Heygate and Mayne's informant heard him utter, then or later, his protest of loyalty both to his earthly and heavenly Sovereigns. "I am ready," he said, "to shed my last drop of blood against the King's foes; I die for the Catholic religion, and I am ready for that to endure a thousand deaths."

John Browne, who was keeping as close to Ogilvie as he dared, reports what was probably a disjointed conversation between Ogilvie and Scot.* The speeches at the foot of the gallows which the others heard were probably parts of this conversation. It had begun on the way down. Robert Scot had protested his friendliness. "How much I grieve for you, my dear Ogilvie, for you are knowingly and wilfully casting yourself into the jaws of an infamous death." The Jesuit seemed frightened and replied: "Just as if my life hung on my own free will—I am accounted guilty of high treason, and for that I am condemned." "Have done," said the minister, "with that crime of

* On careful consideration I am inclined to give general credence to this statement of Browne's. He was a man unlikely to lie consciously. Many of the details of his statement are corroborated elsewhere—*e.g.*, the presence of Scot, the fact of an altercation between him and Ogilvie, that the cause of Ogilvie's condemnation was the subject of this altercation. More important still, the scattered remarks which Mayne collected from eye-witnesses and wrote down at the time, fit easily, but not directly, into Browne's account, though this latter may not have been committed to writing till fifty years later. On the other hand, there is no evidence to show that Spottiswoode had an unmarried daughter at this time. It would seem, then, that John Browne must have exaggerated in this particular, and possibly in some others. But exaggeration is one thing and invention another. I have therefore accepted the account with this reservation. It would not be fair to give a Bowdlerised version, for this would conceal the difficulties. See also the section On Subsidiary Evidence (p. 251).

yours. Give up the Pope and Papistry and you shall be forgiven that crime and I will reward you with gifts." Robert Scot may have believed that his triumph was at hand. The prisoner seemed to hesitate. "You mock me," he said. Then Scot promised what no doubt he thought he could easily obtain. "I speak seriously," he said, "and with sure authority. My Lord Archbishop gave commission to me to promise you his daughter in marriage and the richest prebend of the diocese as her dowry, provided I found you willing to step over from your religion to ours."*

By this time they had reached the scaffold and then, while Ogilvie prayed, occurred the speeches which others reported to Mayne. It may have been in reply to Ogilvie's outburst that Robert Scot turned to him. "I have said and repeat," Browne heard the minister exclaim, "that you may live with honour." The retort came at once. "Would you be willing to say that so that all the people could hear?" Scot was on his mettle. "By all means," he replied, and Ogilvie cried to the crowd to listen. The minister announced his offer: "I promise Mr. Ogilvie his life, the Lord Archbishop's daughter, and a very rich prebend, provided he be willing to come over to our side." Ogilvie from the platform of the scaffold called on those near by to witness the words, and they shouted to him their acknowledgement, and cried to him: "Go down, go down."

The Catholics—Browne probably means himself—were afraid that human weakness was overcoming the Jesuit, and their fears seemed to be confirmed by his next question: "There is no fear, then, that I shall be held hereafter as guilty of treason?" "By no means," came the shout. "I stand here, therefore, as a criminal on the head of

* It is possible that Robert Scot was basing his remarks on some hasty words of Spottiswoode's, or that Spottiswoode actually gave him something like this curious commission.

religion alone?" "Of that alone," cried the people. "Very well," triumphantly replied Ogilvie (and Browne joined in his triumph), "that is enough; on the head of religion alone I am condemned and for that I would willingly and joyfully pour forth even a hundred lives. Take from me that one which I have, and make no delay, for my religion you shall never take from me."

A man named Abercromby, a friend of Ogilvie's, had accompanied the latter to the scaffold. He urged Ogilvie to suffer his wrongs patiently, taking his attention probably from the people to his approaching end. "The more wrongs the better," John Browne heard him say, and noticed that the two were busy with a last colloquy. The officers were impatient at this; by their command Abercromby was flung from the scaffold on to the people below, and orders were given to bind the prisoner's hands. Ogilvie, knowing that the end had come, flung his rosary to the crowd. By chance it fell, not where Browne or the boy Heygate stood, but in another direction. A young Hungarian noble, a Calvinist, happened to be in Glasgow on this February 28. The crowd and the excitement had drawn him to the place of execution. The noble bearing, the haughty courage of the prisoner had attracted the young man. Caring nothing for religion he was present, however, as at a spectacle, when suddenly the rosary struck him in the chest. Immediately the people around, whom he supposed (probably from their sympathetic bearing) to be Catholics, flung themselves upon him, eager to snatch even one of the beads as a relic of the man who was to die. From that moment Jean de Eckersdorff (so was the young man named) knew no peace of mind until he found it in the Catholic Faith. Ogilvie's last gesture was to add yet one more to the converts for whom he lived and died.

Of that, however, he knew nothing; his hands were bound and he was bidden to ascend the ladder. Embracing the executioner once more, he put his foot on the

path of death. The executioner hesitated. Ogilvie yet prayed:

> " Maria, mater gratiae, ora pro me; omnes angeli, orate pro me; omnes sancti sanctaeque, orate pro me."

Then remembering the crowd he repeated the Litany in the vernacular. The executioner begged him to commend his soul to God; some memory of the past made the man repeat to the dying the words of supplication: " Say, John:

> " Lord, have mercy on me,
> Lord, receive my soul;"

and Ogilvie repeated the prayer.

The Sheriff reiterated his orders; the executioner, his work of mercy completed, moved the ladder; the body of the priest swung between earth and heaven.

The crowd groaned at the sight; they cried out on the injustice and cruelty of the Archbishop and the ministers. As yet the Jesuit was not dead: it was part of the executioner's gruesome task to stand on his shoulders and hasten the suffocation. In reverence for this man who had been so bold and yet so gentle, fierce and yet forgiving, the executioner would not carry out the savage rite. He descended from the gallows and, pulling at the feet, put Ogilvie out of suffering. The attendants on the scaffold saw that their work was done, the rope was cut, and the lifeless body fell with a crash on to the boards.

PART II
EVIDENCE

THE EVIDENCE

THE sources for the life of John Ogilvie prior to his capture are very slight. The first in chronological order is (No. I) the entry in the Douai register (printed for the New Spalding Club). It occurs in that section which was drawn up by Fr. Creighton, the superior of the Jesuit Scots College from 1581-1598. John Ogilvie's name occurs under date 1596. Though Ogilvie did not refer in his deposition to his studies at Douai, there can be no doubt that the entry refers to him. Cornelius à Lapide mentions (No. II) that the Ogilvie, who had been martyred in Scotland, was a catechumen of his at Louvain, and Cornelius à Lapide's sojourn there synchronises with this entry. Moreover, Fr. Ogilvie evidently knew Fr. Moffat in 1611 (*cf.* No. III) but, except Ogilvie was at Louvain, they could not have met.

Of his life in the Scots monastery at Ratisbon, I have no record save in the Douai entry. The records of the Austrian province of the Society of Jesus (from which Schmidt worked for his *Hist. Prov. Bohemiae*) state that he entered the noviciate at Brunn on November 5, 1599, and made his first vows at Gratz on December 26, 1601. For his movements in the Austrian Province I have relied on the careful work of the historians of that province.

From 1610 onwards there are various letters from the General of the Jesuits, sometimes addressed to, and sometimes mentioning Ogilvie. I owe the summaries or transcripts of these Notes (No. III) to the kindness of Fr. John Pollen, S.J. I have Englished them as well as all the other sources. It is a great pity that the letters which Ogilvie wrote to the General have not been preserved, but the letters I am able to print show clearly enough the

main lines of his struggle against Gordon and Creighton. The last three of this series (III, 14 and 15) concern his short stay at the English King's court, and refer to the plan (whatever it was) by which he hoped to achieve so much, but which Fr. Gordon thought puerile. There are incidental references to the life of Ogilvie in Scotland in some of the later documents, as, for example, in Sinclair's evidence (p. 268 ff.). The next evidence in chronological order, however, is Spottiswoode's account (No. IV) of the arrest of October 4, as contained in a letter to the King. It establishes the treachery of Adam Boyd (or at any rate of some traitor) and the comparative eminence of some of Ogilvie's converts. It brings out, too, that feature of the attitude of Jacobean statesmen to captured priests, on which I have insisted in the text, the determination to use them as a means to search out and reduce to religious obedience all secret Catholics amongst the laity. The financial solutions suggested by Spottiswoode illustrate their custom of making the penal administration pay for itself.

The depositions (No. V) of the various captives made by Spottiswoode are printed from the Original Letters relating to ecclesiastical affairs in Scotland. I have assumed that the witnesses were, roughly speaking, truthful in what they said (though, of course, they may have suppressed a good deal).

There are two separate occasions mentioned when the priest was in Glasgow. Heygate and Stewart met him two months since or thereby, several of the others met him one month since or thereby. Two months before would have meant that Ogilvie came to Glasgow in August; one month before, in September. The question is whether his stay in Glasgow was continuous or whether he merely visited it from Edinburgh. The depositions make it clear that he stopped two or three days, but they do not presuppose a two months', or even a one month's residence. Sinclair also, who seems to have well con-

sidered his statements, answered on oath in 1629 that Ogilvie was with him in Edinburgh in August, September, and the beginning of October. These dates are reckoned on the reformed calendar, according to which Ogilvie's arrest took place on October 14. Even so they mean that during August and September, Old Style, according to which the witnesses at Glasgow were reckoning, Ogilvie was in Edinburgh. This evidence then can be explained only on the supposition that Ogilvie's visits to Glasgow took place at intervals of about a month.

The evidence for the trials and death scenes is contained in three accounts. There is first (No. VI) an account which the prisoner himself wrote in part and which was completed by his fellow-captives. Secondly, there is an account (No. VII) published officially, but anonymously, shortly after the execution, and which is obviously inspired by Spottiswoode. The third (No. VIII) is an account (which does not relate the execution or even suppose it has taken place), which was published in Rome in 1615. It professes to be based on letters received by some Jesuits in that city.

As each of these documents is of considerable length and has each its own difficulties, I have prefaced to each a short note. Here I content myself with pointing out that there is no serious matter on which one contradicts another. In regard to the accounts by the prisoner and Spottiswoode, this is an understatement of the case; these two do not contradict one another even in details. The Italian narrative differs from them only in details, as I shall show later. For the moment it is enough to establish the general agreement: as regards the trials, the accusation, the defence, the tortures, all these are describing the same things, though with varying degrees of knowledge.

I would have liked to print the *Relatio*, the Italian Pamphlet, the Jesuit Letters, and the Process of Beatification in the original, especially as experience has taught

me that Fr. Forbes Leith used a not too careful transcription for his edition. Exigencies of space, however, compelled me to choose between this and a translation, and I think the latter will be more useful. I have retained the spelling of proper names as they occur in the texts, despite the fact that they will vary often even in a single document.

I

[*From Records of Scots Colleges, New Spalding Club.*]

(p. 1) Alumni Mussipontani scripti mense Julio 1598 a R. P. Gulielmo Creytton curam seminarii Scotorum, quod se ab ejusdem Mussiponte in Belgium translatione gubernasse testatur, deponente.

(p. 5) Alumni Scoti Duacenses a 1593 et Lovanienses a 1595 ab eodem P. Gul. Creytton descripti Julio 1598 dum seminarii curam deponeret.

(p. 7) 1596. 82. Joannes Ogilby ex Calviniano factus Catholicus ut exonaretur seminarium missus est 27 June 1598 ad monasterium Scotorum Ratisbonae.

II

Cornelius à Lapide, the famous Jesuit commentator on the Bible, went to Louvain in 1596 at the age of twenty-nine as professor of Holy Scripture. He was there then in the same year as John Ogilvie, and refers to him in the commentary on the Book of Isaiah. The reference occurs in his remarks on chapter 50, verse 7: "The Lord God is my helper: therefore am I not confounded. Therefore have I set my face as a most hard rock: and I know that I shall not be confounded."

"Christ, therefore," he says, "in his Passion stood unmoved, unbeaten, unshaken, . . . as a rock against which the waves dashed themselves only to be flung back in foam. He was as the adamant which the blows of iron cannot break, but which shivers the hammer itself.

So should we be in Christ's behalf." He then goes on to describe how various martyrs, St Celerinus, St Ignatius, St Vincent, and St Lawrence exemplified this text in their sufferings. He concludes thus:

" Such were the soldiers whom the heavenly Captain used to lead into battle. They were true as steel; they even spurred on their torturers whose hands had tired, for they counted relief but a delay in their path to Christ.

" Such also was Ogilvy, a martyr in Scotland, at one time my catechumen at Louvain, and lately of our Society. It is clear from the account of his martyrdom that he astonished the Calvinists, for, though unconquered by torture and still bold and ready in debate, he opened not his mouth against his tormentors.

" What do deeds such as these mean to us ? We praise these men as heroes, we long to be like them. But only at the altar, only in words, no further than in penance. Well did John à Kempis say (as it is put in his Life): ' We like to be humble without humiliation, to be obedient without being under authority, to be poor but to lack nothing, to be virtuous without a struggle, to be penitent without weeping, to be praised without being virtuous, to be loved without goodness, to be thought much of without holiness.' But Christ our God did not so, nor was this his teaching. He has promised heaven to those who do violence to self; he will reward with glory and honour those who endure injury, and he will leave no evil deed unpunished."

III

[*Letters from the General of the Jesuits Transcribed or Calendared by the Rev. J. H. Pollen, S.J.*]

1. *January* 3, 1611, *to J. G. Huntly** asking him who are suitable for sending to Scotland.

2. *June* 21, 1611, *to Ogilvie*.—The General has under-

* *i.e.*, Fr. Gordon.

stood from letters dated May 4 and sent to Fr. Moffat that Ogilvie wishes to go to Scotland. He is to obey his superiors.

3. *Same date, to J. G. Huntly.*—Ogilvie has written about going to Scotland, but the General has told him to wait.

4. *January* 30, 1612, *to Huntly and Anderson.*—Ogilvie desires to go to Scotland.

5. *Same date, to Father John Ogilvie.*—"I have seen the letters of your reverence in which you mention your desire to go to Scotland whither you think we purpose to send you as you have heard from others. You are of the opinion that such an enterprise should not be abandoned through fear of persecution. The sending of you there was never even discussed; it was decided simply that you be sent to France with Fr. Elphinstone who was going there from Austria. Certainly you were later to deliberate about what was to be done. But, as the time had not come for advice, it is scarcely surprising we should be curious to know on what grounds your reverence wrote that you had been chosen for such a mission. On the other hand, your ready will has been most edifying, and later on, as opportunity occurs, we will see what can be done. Meanwhile, take care to do everything your superiors tell you.

"Whether, indeed, it is wise to send any to Scotland is a difficult question, for we know the dangers to be very serious. Fathers Abercromby and Anderson had to leave when it was realised how very pressing the danger was. Nevertheless we will write to others to take your opinion into consideration, and thereafter we will decide in the Lord what it is best to do both as to methods and individuals."

6. *March* 27, 1612, *to J. G. Huntly.*—The General discusses Jesuit affairs, chiefly of Rouen, but partly also of Scotland. He discusses the suitability of various persons for the latter mission; Ogilvie is mentioned, but

there is no elaborate discussion of him as there is, for instance, of Elphinstone.

7. *March* 31, 1612, *to the Provincial of Austria* (*i.e.*, *Fr. Ferdinand Alberi*).—About organising a Scottish mission. Ogilvie is not mentioned.

8. *June* 18, 1612, *to J. G. Huntly*.—The General has received a letter stating the decision of the Provincial that Ogilvie and Elphinstone should not be sent to Scotland.

9. *July* 31, 1612, *to J. G. Huntly*, *in reply to a letter dated June* 10.—"Let their reverences judge whether Ogilvie should go to Scotland."

10. *November* 6, 1612, *to Fr. John Ogilvie at Rouen*.—"I have heard by your two letters (of September and October) of the serious illness of Fr. Alexander Seton. Since I wish for his recovery from the bottom of my heart, and also for God's service, I am naturally anxious and await further news. Meanwhile I am sure your loving care will continue as heretofore, and I am confident for this reason that he lacks nothing. As concerns his money, on which matter your reverence at Fr. Seton's request wrote to Fr. Moffat that it might be spent on the Scottish mission, we have already written to Fr. Gordon Huntly. From him your reverences can learn what I have decided.

"I have seen what your reverence wrote about Fr. Anderson and his business, and we will recommend whatever shall seem good in the Lord. You did well to forward to us your opinions.

"As regards your own going to your country, follow the instructions of Fr. Huntly, who will see what there is need to do. The same letter of your reverence draws our attention to the entire peace which reigns in that country. Would it were so indeed, but it is to be feared that this information comes from unreliable sources; there are many who think otherwise and reckon that dangers loom ahead. May the Lord God guide all our ways to his greater glory and the good of all peoples.

"I had already heard about Father Peter Grynaeus, and he had himself written to us. We have already written back giving our opinion.

"Your reverence desires a licence for the reading of heretical books so that you may prepare sermons and arguments against heresy. You are to do as Fr. Gordon has directed and are to apply to him; you may tell him in our name that we grant such a licence to your reverence provided he judges that it should be granted."

11. *February* 26, 1613, *to Fr. John Ogilvie at Rouen.*—"Your reverence has written to me twice. The letter of the 11th January contained your opinion concerning those of ours* whom you judged suitable in various degrees for the work to be done. These matters have been considered, and we will make use of the information, if need be. Your reverence did well to make known what he had thought in the Lord.* For the rest you must submit to the arrangements of your superiors, which I know has always been and will always be your heartfelt wish.

"This answer will suffice also for your other letter which dealt with helping Denmark, and in which you stated how willing you were to go thither, and how hopeful you were of success. It is indeed desirable that a suitable occasion and scheme for this may be demonstrated, but another Father, a Norwegian, has tried many expedients, and we have learnt that the difficulties are fewer than would appear at first sight."

12. *May* 21, 1613, *to J. G. Huntly.*—Huntly has written on March 26 desiring to be sent to Scotland himself. The General rejects him on the score of age, and adds that though many Scots are clamouring about Scotland he (the General) thinks Anderson and Ogilvie should go.

13. *May* 20, 1614, *to J. G. Huntly* (*a postscript to a letter which is itself dated April* 23).—"About Fr. Ogilvie

* Jesuit phrases which recur frequently in this correspondence.

who came to you unexpected and then returned; he hinted to us also in his letters something of the hope which he had. I expect to hear more in his own time. The Lord be with him. Let your reverence give orders both to him and to Fr. Moffat; your reverence will decide in the Lord when it is time to send the latter."

14. *At Rome*, May 20, 1614, *to Fr. John Ogilvie, at Paris.* —" I have had the letters which your reverence gave to be sent to us when you set out for your own country. Since then I have learnt of your safe passage by the last letters which arrived from Paris. These came as a pleasant surprise because of their news of things done and seen for the glory of God, and also because of the hope which they held out of accomplishing better things still. What happened afterwards we will expect to hear another day."

" Meanwhile I pray the Lord God to give and increase strength, diligence, and above all his divine grace to your reverence; may he deign to grant the salvation of the so great number who now perish in misery. We have ordered the matters of which your reverence wrote to be put before those to whom we think they would be interesting; it is indeed desirable that a happy ending should come to what seems to advance so hopefully. Let your reverence apply yourself to labour prudently and according to those directions which have, I am sure, been given to you.

" We commit the work constantly to the Lord God himself."

15. *May* 18, 1615, *to J. G. Huntly at Paris.*—" I have received your reverence's letter of April 21, in which you informed me about Fr. Ogilvie's condemnation, and that he had been taken elsewhere to be executed. However, I can learn nothing certain about the event."

16. *June* 11, 1615, *To J. G. Huntly.*—" . . . Praised be the divine Goodness which has deigned to take Blessed Father Ogilvie into the company of the martyrs. . . "

IV

[*Printed from Original Letters relating to the Ecclesiastical Affairs of Scotland, Vol. II, No.* 235, *p.* 385.]

Archbishop of Glasgow to King James.

Most Sacred and Gracious Soveraigne,

It hes plesit God to cast in my handis a Jesuit, that callis himself Ogilvy. He cam to this Citie and said some massis at qhiche we haif tryit eight of our burgessis to ben present. He wes busie in perverting sum otheris that went too far with him, for sum of tham preasit to resist my servantis in his apprehensioun; himself wil answer nothing that servis for discovering his traffique in the cuntrey, that appeiris to be great. My Lord Kilsyth wes heir, be good happe, at his examinatioun, and the rest of his partakeris, and hes helpit muche to thair confessiounis. The copie of them I haif sent to the Secretary, qho, I trust, sal send it up in the pacquet. In his bulget we haif found his vestmentis, and other furniture for the masse, with some bookis and reliques of S. Ignatius, S. Margaret, S. Kathrin, and other thair saintis; also some writtis, amongest qhiche the principal is a Catalogue of thingis left be Father Anderson, a Jesuit in Scotland, qho semis to be furth of the countrey. Thairby your Majestie wil persaif the furniture of bookis and vestmentis thai haif in store against the day they looke for, and sum of thair freindschip, with qhom the samin is reservit. Sir, I wil not truble your Majestie with the circumstances of his apprehensioun, and namis of his partakeris heir, qhairanent I haif written to your Hienes servant Jhon Murray, more particularlie; only I wil craif your Majesties pardon to delyver my advyse for the punischment of thir transgressoris, the tryal of the Jesuite, and finding out suche thingis as ar contenit in the Catalogue.

Because exemplary punischment is necessare in this cace,

and be the lawis, thair lyvis, landis, and qhole estait is in your Majesties handis, and the conditioun of the personis offending is not equal, your Majestie wold be plesit to referre the determinatioun thairof to my Lord Thesaurar, my Lord Kilsyth, my Lord Advocat, and myself, as hafing heir the jurisdictioun under your Majestie.

Commissioun wold be gifin for this effect, and the Counsal commandit to exped one to the forenamed personis, for putting the transgressoris to tryal, and convicting tham according to the law.

Being tryit, guiltie, and put in your Majesties wil, they wold be fynit according to thair qualitie and estait; only Robert Higgate, that has ben the seducer of the rest, wold be banisched your Majesties kingdomes during your Hienes plesure.

The fyn your Majestie will wilbe graciously plesit to command the Thesaurar to devyd with me, both in respect thai ar al burgessis of this citie, and by the priviledg your Majesties noble predecessoris haif grantit to this sea, the eschetis and forfaltoris of al malefactoris fal to the Bischop, and that I may haif qhairwith to recompense the discoverer, and otheris that haif servit in the busines, to qhom I haif particularly obliged myself.

Thair tryal wold be at Glasgow, and the Commissioners commandit, be your Majesties letter, to conven for that effect at the first convenient tym thai can chuse.

For the Jesuit, your Majestie may be plesit to command him to be brocht to Edinburgh, and examined be suche of the Counsel as your Majestie sal pleis nominat. Of that number the Secretary, Thesaurar, My Lord Kilsyth, my Lord Advocat and meself, because I haif the writtis, wold seim fittest.

They wold be commandit to use this examination with great secrecy, and if he wil not answer nor confesse ingenuously, to gif him the buttis, or other torture.

For getting the bookis and vestmentis contenit in the

Catalogue, it wil be the safest mean to charge the keeper of the samin, and qhair the ladyis are named, to charge thair husbandis, and commit tham til the sam be delyverit. But for this, and the better compassing of it, the credit wold be referrit to my Lord Secretary to move and follow it in Counsal, by our advyse and qhen we se it to be tym.

Sir, these thingis I humbly present to your Majestie, to be correctit at your Hienes gud plesure. The knowledge I haif of our state heir and the consideratioun of every thing that may best serve to the repressing of this great evil, and assuring that obedience qhiche is due to God and your Majestie, makis me bold to delyver my opinioun in this sorte.

I beseche Almyghtie God to preserve your Majestie, to disappoint the practisis of the wickit and increase your Hienes blessings, in despyt of al Godis and your enemyis.

Your Majesties most humble
and obedient servitour
GLASGOW.

Glasgow the 5 of October 1614,
To his most sacred Majestie.

V

[*Ibid.*, *p.* 387, *No.* 236.]

Examinations relative to Father Ogilby, the Jesuit, apprehended at Glasgow in 1614.

Apud Glasgow, the fyft day of October 1614: Thir personnis undirwryttin wer examinat, in presens of my Lordes of Glasgow and Argyle, my Lord Fleming, my Lord Kilsythe, my Lord Boyd, the Laird of Mynto, Sir George Elphinestoune, James Hamiltoun, Provest, James Bell, James Braidwood, Colein Campbell, Baillies.

Robert Heygait, being inquyrit how lang he hes bene acquent with this Preist, answerit, that he never saw him nor spak with him bot within thir twa monethis syne or

thairby; and that he come doun to him to his awin buithe, and got sum paper fra him, and thairafter geid with him to Mr. William Stewartis hous, to get ane chopein of wyne, quher callit him self ane Hors-cowper, and wes going to Kyntyre to by horse and imployit him to buy ane horse: And thairefter callit him self ane Preist; bot of his name he is ignorant, and never speirit for it. And being inquyrit, gif he enterit withe him in religioun? so confest; and that he brocht him to Mareoun Walkeris hous, and saw his buikis, and believit that he spak to him, and that he contentit him of the sacrament of the body of Chryst; and that he is ane Catholik and being inquyrit, gif he desyrit him to geive him ane mess and confest, he desyrit the samyn, and hard the samyn at the said tyme and that thair with him Mareoun Walker, William Menteithe, Mathow Adam, Thomas Forret, James Forret. And being speirit, gif this preist wes gone to Sir James Clelandis hous or not? Lard William Menteithe say, that he wes gone thair. And being inquyrit, gif the Lady Maxwell wes at ony Mess heir within this schort space, or at ony Mess? denyit that he ever saw hir; bot he knawis that this preist spak with hir the last tyme scho wes heir, and that the said preist said to him that he wes ane of the, Societie of Jesus.

And being inquyrit, how that the freindschip and acquentance of the said preist wes maid with James Stewart? confest, that he wes the bringer of thame togiddir to confer, and that the said James stands still in his former religioun; and that the said James wes desyrus to speik with the said preist, and he wes ernist to haif the said James of his religioun, bod he wald not give his name thairto. And also confest, that thair wes ane other mess said in the said Mareoun Walkeris hous, be the said Priest, within twa dayis thairefter, and that thair wes present the said William Menteithe, Mareoun Walker, David Maxwell, brother to Newark; and that thair wes ane ather Priest in

this toun, quha stayit ane day heir and went eist throw, and knew not his name, bot he callit himself Ogilbie. And being inquyrit, gif thair wes ane other mess said be this Priest in his awin hous or nocht? confest, that thair wes ane said thair, and that he wes clerk to the maist of thir messis himself, and that his wyf knew not thairof, bot suspectit the samyn. And at that tyme quhen he sould have gone to have bocht the hors, he raid to Sir James Clelandis hous: And this he declarit be his great ayth. Sic subscribitur,

ROBERT HEIGAIT.

Andro Symmer declarit that he drank with this Preist, in James Stewartis companie, quha intysit him to his religioun, bot he wald not grant to him; and that thai ressonit upone religioun togiddir. Sic subscribitur,

ANDRO SYMMER.

The Priest being inquyrit, quhat his name wes? He namit himself Johnne Ogilbie, sone to Walter Ogilbie of Drum; and that he hes bein out of this countraye thir twentie twa yeiris; and that he studiet in the colledgis of Olmis and Graitis, and remanit in Olmis twa yeir and in Gratis fyev yeirs; and that he hes ressavit the ordour of Preisthud in Paris; and come hame in Scotland befoir now, and remainit sex oulkis, or thairby, and that he now come hame about May last, or thairby; and confest, that the budget producit on the buird befoir him wes his awin, and that he wes ane of the ordinar Jesueittis. And being askit, quhidder the Popis jurisdictioun extendit ovir the Kingis dominiounis in spirituall matteris? Affirmit constantlie the samyn and wald dye for it. Sic subscribitur,

JOHANNES OGILBEUS, *Societatis Jesu.*

James Forret confessis, be his great ayth, that he knew not this Priest quhill the tyme that the Earl of Eglintoun

wes heir, and wes send for be him be the servitrix to Mareoun Walker quha delt with him to come and heir the mess; and for that effect appointed other morne: at quhat tyme he keipit, and the mess wes said be the said Priest, being present Robert Heygate, Mathow Adam, William Menteithe, Mareoun Walker, Thomas Forret, his brother; and declairit, that he was nevir at ony mes befoir or efter, and that thair wes ane other man, quha callit him self Dawnie, seducit him to that religioun, quhairinto he than in ane manir agreit, and supponis that the said Dawnie had directit this Priest to him to draw him fordir on, quha persuadit to leive the kirk, quhilk he ded sen syne; quhairof he cravit God forgiveness, and confessit, that before he ressavit the Mess that morning he maid a confessioun to the said Priest, quha gave him ane absolution, and tuik the sacrament. Sic subscribitur,

J. Forret.

James Stewart, being inquyrit quwhen he knew the Priest ? be his great ayth declarit that he knew him twentie dayis syne or thairby; and that Robert Heygait maid hes acquentance with the said Preist, and efter the drinking of ane choppine of wyne, he went with the said Preist to the yaird of Mareoun Walker, quhair he conferrit with him annent the religioun, and wald na wayis yeild to him, bot he had ane guid expectatioun of him and maid him acquent that he had ane mess to say; bot he wald not go to it; as to his name, he knawis not the sam. Sic subscribitur,

J. Stewart.

William Menteithe, being inquyrit gif he knew this Preist or not answerit, that he saw him in this toun ane monethe syne, or thairby, and that he wes in his companie, in the house of Mareoun Walkeris, and thair hard this Preist say ae mess, and denyit anie maie. And thairefter being confrontit with Robert Heygait, confest than he hard thrie messes, twa thairof in Mareoun Walkeris and

ane other in Robert Heygaittis, and that he tuik the Sacrament and being inquyrit, quhair he got his beginning of that religioun? He answerit, that he first wes instructit thairin being servand to the Laird Kers Younger, be the Lady Angus and Archibald Douglas, in the place of Moungton besyde Air, ten or twelf yeiris syne, or thairby; and declairit, that Thomas Forret tauld him of this Preist and that Robert Heygait informit him that the said Thomas wes of that religioun. As als declairit, that he saw Johne Wallace of Corsflat at the mess, in Robert Heygaitis hous, said be the foursaid Preist. Sic subscribitur,

WILLIAM MENTEITHE,
with my hand.

Thomas Forret, being inquyrit quhair he had first acquentance with this Preist? Declairit he saw him first in Mareoun Walkeris hous, being fetchit in to him be Robert Heygat, and efter lytill conference with him anent the Religioun, he desyrit him to cum to mess, quhilk he did; and befoir the ressaving thairof, he maid his confession, and ressavit absolution, and thairefter tuik the sacrament; and that thair wes present at the said mess Mr. Johne Mayne, Mareoun Walker, Mathow Adam, Robert Heygait, James Forret, William Menteithe; and wes at na mess send syne, seeing be the sicht thairof he despysit that Religioun; and that the remanent lykwayis ressavit the sacrament. Sic subscribitur,

THOMAS FORRET.

Mathow Adam, being inquyrit, how lang he had embracit the Popisch religioun? declarit that about fyve yeiris syne, or thairby, he had his entrie thairto in Danskin and thes sence ressavit the communioun, and that he had acquentance with this Priest four oukis syne, or thairby, be the moyen of Robert Heygait; siclyk, in somer last, wes acquent with ane Dawnie, ane priest in Mareoun Walkeris house. And

being askit, quhat his professioun his presentlie ? answerit, that he wes of the religioun be the lawes of this realme. Sic subscribitur,

MATHOW ADAM.

Mr. Johne Mayne, being inquyrit, gif he knew this Priest or not ? declarit, be his ayth, he knew him in Mareoun Walkeris hous, to the quhilk he wes brocht be Robert Heygait, quhair he confessit himself to the Preist, ressavit ane absolution befoir he hard the Mess, and ressavit the sacrament, and that thair wes present Mareoun Walker, James Forret, Thomas Forret, Robert Heygait, Mathow Adam, William Menteith, and that as yet he avowis that religioun and professis the samyn, quhill he be better resolvit. Sic subscribitur,

MR. J. MAYNE.

Johnne Wallace of Corsflat, being inquyrit, gif he wes at a mess said be this Priest or not in Robert Heygaitis hous ? confessis, that he wes present thairat, and brocht thairto the said Robert Heygait. Sic subscribitur,

JOHNNE WALLACE.

This is the true copie of thair Confessionies,

GLASGOW.

(Endorsed by Lord Binning.)

VI

THE "RELATIO INCARCERATIONIS"

The *Relatio Incarcerationis et Martyrii Patris Joannis Ogilbei* was printed at Douai by the press of the widow of Laurence Kellam in 1615, and reprinted at Würzburg at the press of Conrad Schwintlauff in 1616. It professes to be taken partly from the manuscript of Ogilvie and partly from that of his fellow-captives, the two portions being separated and the change of author noted.

In 1628 Sylvanus* Mayne, a Benedictine priest, affirmed on oath before an ecclesiastical tribunal at Würzburg (see p. 295) that the reprint at Ingoldstadt† in 1616 (of which he had a copy at the time) was a true copy of the original manuscripts. He himself was one of the continuators. He swore to having brought the MSS. from Scotland, and to depositing them with the Jesuit Rector at Bordeaux.

I have not been able to secure a copy of this Ingoldstadt† edition, but have translated from the Würzburg edition of 1616, a copy of which was kindly lent me by the Jesuit Fathers at Farm Street, London. This edition does not differ materially from that of the Douai edition reprinted for the Maitland Club in 1834. For all practical purposes, then, it is attested as the words of the martyr and his fellow-captives. With this *Relatio* we may group two original letters by Ogilvie. One was shown to the tribunal at Würzburg by Fr. Mayne and attested by him on oath. It is dated January 28, 1615. The other is preserved amongst the MSS. at Stonyhurst. It is dated February 22, 1615.

Our knowledge, then, of Ogilvie's life after his arrest in October, 1614, is derived chiefly from the *Relatio Incarcerationis* which he wrote himself, and the *Continuatio* of that work by his fellow-captives. The prisoner insisted on the difficulties of writing, since his gaolers were watching to see that he should not do so. "Furtively" and "hurriedly" are the expressions he employs of his own work, and it is not surprising, therefore, that there is little to indicate the exact dates of many of the events recorded. (John Mayne described, in 1628, how Ogilvie's writings were passed out by Ogilvie to the wives and friends of the other prisoners, so that it seems likely that the work was done in sections.) Unfortunately, we do not possess the manu-

* This was the name taken by John Mayne when he became a Benedictine.

† I suspect myself that Main really meant the Würzburg edition.

script; the printed book was certified to be a faithful copy by those friends who had borne the written sheets to France, but it does not tell us where one sheet ended and another began.

We cannot be sure, therefore, of the order in which Ogilvie wrote down his narrative. His friends, no doubt, arranged the pages in what they believed to be the correct chronology of events and, as a general rule, the account reads continuously, but there are some difficulties which they recognised, as for instance when they took one section and wrote over it: "This seems to be the *argument* of the book."

There are then two textual problems in connection with this group of documents. It is not clear at first sight whether the dating of these letters and the dates mentioned in the *Relatio* are Old Style or New. It is not clear at what precise time or times the Ogilvie portion of the *Relatio* was written.

There were two systems of dating known to Ogilvie. On the Continent and by his superiors, to whom he sent his account, the reformed Gregorian calendar was used. In Scotland, the unreformed was still employed, though the year was now often made to begin on January 1. The two are usually referred to as New Style (N.S.), and Old Style (O.S.) respectively. There was, then, a difference of ten days between the two. Sinclair, for instance, gave the date of Ogilvie's death to the Commission of 1629 as March 10, 1615; Spottiswoode, writing of the same event, said that it took place on February 28, 1615. Both, however, meant the same day; the conflict is one of notation and not of evidence. At first sight it might seem that Ogilvie—most of whose life had been spent in Europe—would employ in his letters the system used abroad. Coming to a more specific reason it seems to suit the case of the letter which John Mayne produced in 1628. It is written as a letter of credential for Mayne as though Ogilvie

did not expect to see him again, and mentions his (Ogilvie's) expectation of death. This letter is dated January 28, 1615, and, if we believe Ogilvie used the European notation, it would be January 18 for Spottiswoode. Now January 18 (O.S.) was an important day in Ogilvie's life. It was the day when the royal questions were put to him, and when he returned and signed the answers which, according to Spottiswoode, condemned him. This we know from the Archbishop's narrative. On such a day, Ogilvie might well be disposed to write the letter which Mayne treasured.

This evidence, however, is not conclusive, and is opposed by other much stronger. In the course of his narrative Ogilvie mentions that he returned to Glasgow (for the last time) on the eve of Christmas. It is the only exact date mentioned therein, and the question arises whether he dates Christmas according to the Old or New Style. By the practice of the Catholic Church, the vigil of Christmas (O.S.) would be January 3. But Spottiswoode tells us plainly that he brought Ogilvie back to Glasgow as Christmas was approaching, and Spottiswoode certainly used the Old Style. This also fits in with Ogilvie's account of the Edinburgh trial. According to Spottiswoode, the first examination there took place on December 12 (O.S.). Ogilvie tells us that following this there took place the enforced vigil of eight days and nine nights. Sinclair gave evidence that he was then allowed some rest, and Ogilvie tells us that on the tenth day the Councillors returned. This would make the vigil cease on the morning of December 21 (O.S.), and the second examination take place on December 22 (O.S.). Ogilvie says that he returned with the Archbishop on the following day, and if they rested for the night between the two cities, this would agree with Ogilvie's " I arrived on the eve of Christmas," if by this we understand the Old Style of reckoning.

It might be that Ogilvie used Christmas in the O.S. on

this occasion because he saw around him such signs of ecclesiastical festivity as Spottiswoode had recently revived, and he may not have used this method of dating on ordinary occasions. More convincing evidence, however, can be advanced. Mayne certified in 1628 that the printed version of the *Relatio* and *Continuatio* was correct, and that he had taken it abroad and caused it to be printed. He had the copy in his hand and on the title-page it was clearly stated that Ogilvie's version was made a week before his death, and that then the *Continuatio* began. In the Stonyhurst MSS. there exists a letter signed by Ogilvie, written seemingly to Fr. Ferdinand Alberi, in which the writer mentions that he entrusts to the bearer, John Mayne, an account of what has happened. This, then, almost certainly, was the letter accompanying the last of the *Relatio*. It should, therefore, be written about a week before Ogilvie's death. It is dated February 22. If this is New Style, the letter was written more than a fortnight previous to the end; if this is Old Style, the letter was written six days from that event. It seems certain, then, that Ogilvie dated his letters according to the Old Style as used in Scotland.

The last sheets, then, of the *Relatio* were passed to Ogilvie's fellow-captives on February 22 (O.S.). It would have been impossible for Ogilvie to conceal the great bulk of the work in his prison or to write it continuously. In fact, he says as much in the prefatory letter to a friend. Mayne, in his evidence in 1628 (p. 296), describes the method by which the precious pages were passed from the Father's cell to the wives and friends of the other prisoners, and seems to have in mind actions frequently repeated.

The question then arises: When did Fr. Ogilvie begin to write this account? It seems to me to be settled by a consideration of the disposal of the written sheets. He could not arrange this but by the aid of the relatives of his fellow-sufferers; we know from the continuation that

he was vehemently suspected by them until after his torture at Edinburgh, and, indeed, he himself speaks of their ill-will prior to that time. It would have been impossible for him to write at Edinburgh, where he was under constant surveillance, as we know both by his own and Sinclair's evidence. This fixes the earliest time for the beginning of the *Relatio* at Christmas, 1614, when he returned to Glasgow.

Furthermore, opportunity of writing was then offered for the first time. He was engaged in disputes with the ministers as Spottiswoode hints (No. VII, p. 206), and some of these disputes were, according to the prefatory letter to Fr. Claude Aquaviva, reduced to writing. This must have meant the supply of pens and paper and permission to write. It explains the fulness of the earlier part of this account, which continues right down to the fortnight after Christmas, when Spottiswoode left Glasgow for Edinburgh.

The last pages of Ogilvie's portion of the *Relatio* seem to contradict those immediately preceding. He has been saying how friendly Spottiswoode seemed, and has described many easy interviews with ministers of all sorts. Then, suddenly, he says that " no one is allowed to talk with me save in the presence of the gaoler, and no one is allowed to bring me pen or paper." I suppose that this really marks a definite change in attitude which occurred somewhere about the middle of January, 1615. He makes it introductory to an account of the posing of the King's questions, which, according to Spottiswoode, took place on January 18. The Continuation describes it as being very severe when Spottiswoode had returned to Edinburgh, which took place before January.

In such circumstances it is clear that Ogilvie would be unable to do more than make an odd note now and again of what was happening to him. This explains, therefore, the very disconnected nature of many of these sentences.

It explains, too, how he begins, in the last paragraph but one, with the words: "I came to Glasgow on Christmas Eve." Already he had narrated many occurrences since that time. All that this fresh beginning indicates is that Ogilvie had an opportunity of adding a few words to his narrative, that he could not remember, and had no means to discover, exactly where he left off, and so began simply to fix his memory on recent events. Probably a great deal of the disjointed and unfinished prefatory notes were written in similar circumstances.

Ogilvie tells us that pressure of time prevented him from correcting. This is chiefly evident in the tenses which he employs. He passes from past to present without following any rule, and goes from direct to indirect method of narration without any hint. Probably some of the "aiunt" and "inquiunt" were supplied by the early printers. In my translation I have retained his method of narration, but have altered the tenses where I thought it obviously necessary.

THE *RELATIO INCARCERATIONIS*

An account of the imprisonment and martyrdom of Father John Ogilvie, a Scotsman and a priest of the Society of Jesus.

It has been taken word for word from the manuscript of the martyr himself, written in prison at Glasgow eight days before his death, and finished by his fellow-captives who were exiled, but who were present at his martyrdom, as is shown later.

The manuscript of the martyr begins with a letter to a friend thus:

MY DEAR SIR,

Pax Christi, etc. Please take these sheets to the Rector of the first College of Jesuits which you find and

ask him to send true copies to Father Claude Aquaviva and to pray for me. The risk of being discovered makes it impossible for me to rewrite, punctuate, or correct; I must needs omit a great number of facts. I ask my brothers therefore to pardon any errors and to correct them in charity, to pray for John Ogilvie, for his fellow-captives, and for the Catholic faith.

(The following seems to serve as the *argument*.)

Since the matter is fresh in my memory I shall describe the disputes, which were tedious enough for me but which will amuse the reader if I mistake not. Shouting had to be met with shouting; it was not against one but many that I strove, and they gnashed their teeth on me; nothing but fiery zeal could quell the violence of their calumnies. By this method, when they heard their own real faults made patent to all and compared with their lying slanders and suspicions against Catholics, they were at last ashamed of having begun the attack. When, after their first syllogism, they could not prove their thesis, which I had denied, by a second syllogism, I told them that they could not prove what they asserted and pressed them to do it if they could; I maintained that otherwise they were defending a bad and false cause: for silence means consent. I added that whatever I said I would prove, and prove in writing, and let it be examined by their college. They complained that I made distinctions too often and so stopped them from getting forward, and so on.

(The following was addressed to our Reverend Father General of the Society of Jesus.)

Very Reverend Father in Christ,

Pax Christi, etc. Well beloved and most worthy Father; dearest friend of my heart after Christ and the company of heaven. My punishments are terrible and my torments bitter: of your fatherly love pray for me that I may die with

generous courage for Jesus, who triumphed over all for us. May Christ long keep you, the great leader of his veterans, as a bulwark of His Church.

To your very reverend Paternity your little servant in Christ and most unworthy child,

JOHN OGILVIE.

To the Very Reverend Father in Christ, Father Claude Aquaviva General of the Society of Jesus, Rome.

(The following notes seem to belong to the preceding.)

There were arguments almost every day. Chiefly, however, there were three with their chief savants. Their arguments were repeated almost daily by other people. With the educated we disputed in syllogisms, but with others by the conversational method. Because, according to my opponents, I argued too vehemently, I twice put my reasons in writing for them and was told to await an answer. There is no likelihood of getting it. Nobody comes to dispute with me now, but they take good care to prevent others from coming save by stealth and on rare occasions. The chief arguments were about the Mass, St Peter, and the judge of controversies. When I dealt with the Mass in written syllogisms it was all over at once, with the result that the Preachers quarrelled with one another. Nobody afterwards would reply to me or even oppose me.

(He begins the complete account here.)

CATHOLIC READER,

Pax Christi, etc. I came to Glasgow six months ago to absolve five people from heresy. On the following day when I had finished the sacred office, I was betrayed by one of those whom I had to receive back to the Church, a man of very good family and of great wealth, who had been recommended to me by many as a Catholic long seeking the opportunity of reception.

I had given him an appointment for instruction. About

four o'clock in the afternoon I was walking with the Provost's son in the square. While doing so the traitor gave a signal to a servant of the Archbishop, a man of good family and great strength, who came up and told me to follow him to his Lordship. I thought that this meant the Sheriff, whose nephew the traitor was (for thus had we arranged), and, saying that I was delighted to go, I turned aside to do so. The Provost's son, however, would not leave me but insisted that I should go first to his house, while the newcomer would not allow it. I tried in a friendly way to settle their quarrel, and in the meantime a crowd of officials and citizens collected. They seized my sword, pushed and pulled me this way and that. I asked what was the matter, and whether they were in their senses. I pointed out that the quarrel was not mine, but was between the other two. There is no need for a long story. I was lifted up by a united rush of the crowd and was carried into a house almost on the Provost's shoulders. They snatched my cloak; I said that I would not move without it. Each of them promised me his; I demanded my own, and at length snatched it back. I protested against the barbarous manners of the raging mob, and told them that I would let the whole world know how savagely they had treated an innocent man, without any form of law or even an accusation.

While this was going on word came to the bishop in the other quarter of the town that his messengers had been killed, that a general massacre had begun, and that the city was in arms. As soon as he heard this he summoned the gentry and lairds who happened to be assembled that day in the city, and with them as a bodyguard, came down to the market-place. When he saw that the disturbance had ceased he asked where I was (it was dark by then). They told him that I was in the house of the Provost, who had been elected that day. He went there with his whole bodyguard and called me out from my chair between

the table and the wall. I came forth and he struck me a blow on the cheek, saying: "You are overbold to say your Masses in a reformed city." I replied, "You act like a hangman and not a bishop in striking me." As though this was a signal they rained blows on me, they tore my hair and my beard, they scratched my face with their nails, until Lord Fleming, roused by their savagery, put a stop to it by command and main force. Before my senses had recovered from the stunning blows on my head an order was given to strip me; at once some of the men untied the strings and unfastened the buttons of my clothes; when they were on the point of pulling up my shirt, I collected my wits, and exclaimed: "Shameless brute, what do you expect to find but what you, being a man, possess?"

(The fellow-captives add at this point that Ogilvie said: "Do you want to castrate me?")

They found and seized a Breviary, a Compendium of all the controverted questions of Religion, some gold in one and silver in another of my purses, a silver reliquary, some Bezar-stone powder, a ring, and the seal with which I used to seal my letters. The next day they took my horse from the inn and found there too my altar furniture with Fr. Patrick's letters about our property in Scotland and Fr. Murdoch's list of names. The hiding-place was betrayed by a Frenchman; it was safe enough had men kept faith and silence.

They threatened to proceed to extremities. I laughed alike at their black looks and bitter words. They threatened to put me in the stocks. I asked them to keep their promise. They said they wouldn't do so for they were more humane. "But 'tis no humanity to lie," said I; "why do you promise what you will not give?" The gaoler said I was a curious fellow, for prisoners usually begged for mercy, not for punishment. I replied: "They do so wisely when they are ashamed of the cause of their imprisonment and regret

it; or when they fear to be discovered and punished. But I rejoice in my cause and glory in such a penalty." He bade me have a care what I did and whom I spoke to. I replied: "I know all about that; do you see to the shutting of your prison, and then go sleep till the morrow." He went away.

On the following day I was taken from the prison to the Bishop's Hall, where a large company of lairds and preachers were assembled. Two members of the Privy Council had been specially summoned. I was brought in then, still weak from the wounds received overnight and labouring under unusual emotion. They said a great deal about mental reservation and equivocation in swearing, and heard as much from me; in fact I replied with bitterness equal to theirs, because it is only so that the barbarian madness of the preachers can be stayed. We skirmished thus until they were ashamed to suggest to me statements for which they could not adduce evidence.

They ask if I am of noble birth. I say that I am and so were my parents before me. They ask: "Have you said Mass in the King's dominions?" I reply: "If to do so is a crime it should be proved not by the oath of the accused but by witnesses." "We will prove it," say they, "by the evidence of those who saw you." I reply: "If the witnesses are sufficient for you, well and good; their evidence will not be made less conclusive by denials on my part nor will it be confirmed by my confessions until I think fit so to do." "Are you a priest?" they say. I reply: "When you have proved me to have said Masses you will have proved by the same evidence that I am a priest." "What is your name?" I reply: "What is the purpose of your question? If you regard me as a suspicious character, make a definite accusation, and prove it by witnesses; you have not treated me so well that I should do anything to oblige you. What I am bound by law to answer, that I will say. You shall get nothing else out

of me." They ask: "Do you acknowledge the King?" I reply: "James is *de facto* King of Scotland." At this point I was very frightened; but the fools, not having learned the technical phrases of the law, did not know how to continue the examination. They say: "Take the oath." I reply: "Why?" They say: "That they who sit here with the King's authority and by his command may know whether you have plotted against the State. Clear yourself on oath or we shall hold you guilty." I reply: "Vain swearing is sin, being contrary to God's precept: Thou shalt not take the name of the Lord thy God in vain. I should be guilty of this if, to no purpose, I called God to witness my innocence, knowing all the time that by the laws such an appeal could do nothing to help me. It could do nothing, for the law rules out oaths in criminal cases. And this is wise, for self-preservation would make many in such cases perjure their souls to save their bodies.

"Lest, then, the judges should be deceived and lest, in forcing oaths on the prisoners, a soul redeemed by Christ should be damned, it is the custom to try criminal cases by evidence of witnesses alone. So since I am not bound to break God's command by vain swearing, I am not bound to clear myself by oath of the crimes alleged. Prove your charges by witnesses. If you cannot do so, why do you persecute, without cause, an innocent man?" They say: "In the King's name, do you refuse to swear?" I reply: "What am I to swear?" They say: "To answer without equivocation or mental reservation all questions which we ask." I reply: "As no law binds me I will swear to answer when I see fit; if not, I will say, 'I am unwilling to answer.'"

"What will you be unwilling to answer?"

"Whatever can be used to my damage or to my innocent neighbour's."

"And why won't you answer in those cases?"

" Because I am not obliged to do so, and I would rather not sin. In the first place, I am not bound to commit sin, which I should do if I damaged my innocent neighbour. Secondly, the root of all laws is the law natural and this aims at man's self-preservation and not his destruction; I should transgress that law, and so all law, if I condemned myself, or did myself injury of my own free will and knowledge. For this reason I will not say anything nor swear anything in prejudice of myself or my neighbour, for it would be evil and damning so to do."

After a lot of wrangling I was told to swear how I liked, and so, to avoid further quarrelling and to avoid at the same time dangerous questions and those likely to arouse strife, I took the oath. I was asked and answered my name, family, country, relatives, rank, places of education, and my standing in religion. I was then asked whether I had said Masses in the King's dominions and replied:

" The ordinances of the crown and the decrees of Parliament are such that an answer to this question might bring trouble to me and my neighbour; it is not a question which belongs to the King's forum, and so I am not bound to answer, for, indeed, no law binds me to throw away my own life or the lives of others. Judges, if such are here, should hunt down crime and not sacrifices. Thefts, treachery, murders, these belong to the King's forum, but the sacraments of religion do not."

They say that the King is not a layman. I reply: " He is not a priest, nor has he received the first tonsure." They ask: " Why did you come to Scotland ?" I reply: " To unteach heresy." They say: " Who gave you jurisdiction, since neither the King nor any bishop did ?" I reply (laughing) that they are all laymen with their King and nothing more, and can have no jurisdiction in the matter; Christ's sheep were committed to Peter's charge; whoso would feed them, be it in any part soever of the world, must seek his authority from the Apostolic See.

There, according to Christ's promise, by the infallible aid of the Holy Spirit through the unbroken human succession, are preserved the authority and power given first to the Prince of the Apostles; by this indeed, Simon son of John was made the strong Rock of the Church that he might be Cephas and be called Peter. Hence (I say) comes my jurisdiction which by the simple method of working backwards I can trace through all the Pontiffs to Christ.

They say: " 'Tis treason to assert that the Pope has spiritual jurisdiction in the King's dominions."

I reply: " It is of faith to hold that."

They say: " Do you dare to sign such declaration ?"

I reply: " Yes, and with my blood if need be." And I signed a deposition to this effect.

They say: " Can the Pope depose a heretic King ?"

I reply: " He cannot depose a King legitimate and faithful to the Church."

They say: " But what about a heretic ?"

I reply: " Many doctors maintain that the Pope can depose a heretic King."

They say: " And what do you say ?"

I reply: " If it shall be defined as of faith, I will die for it; and if I ever become judge betwixt King and Pope I will decide what the one can do and the other must accept. At present I am not bound to declare my opinion unless I am asked in legal manner by the judge of controversies of religion, that is by the Pope or by someone having authority from him."

They ask me questions about the Gunpowder Plot, and I said that I detested the assassination of Kings and had no praise for that plot.

They say that Jesuits and Papists teach men such things as these.

I reply: " Let who will read the acts of the Council of Constance. There it will be seen that heretics teach but

Catholics condemn such doctrines. For Wiclif taught that subjects could kill their peccant lords and that the latter lost their rights by sinning. And similarly that priests lost their priesthood. All of which teachings the Council condemned. Gunpowder Plot was made by a few courtiers, but your 17th September plot was not so made. On that occasion you, with a rabble of armed men, wanted to kill the King when he was sitting in the College of Justice with his Council. And you would have done so had not the King's guard with a crowd of artisans snatched the King out of your power. There are two thousand still in Edinburgh who bore arms on that day; and there are so many witnesses that three preachers were then urging the men on to violence, shouting, 'God and the Kirk,' while the other side shouted, 'For God and King.' For this deed Edinburgh was sentenced to be burnt, but in fact a huge fine was imposed. And you weren't content even with this: your Achilles and chief preacher who lives near here nowadays, Robert Bruce, wrote to a relative of the present Marquis of Hamilton to come and take away the crown from an unworthy, Papist-loving monarch, promising to aid him. But the Marquis gave the letter to the King, and some of the preachers were exiled. This deed was no palace plot, but a conspiracy of the preachers, and they urged it publicly in the market-place. You can't bring up against the Jesuits anything but lying suspicion. Of these charges which I make the King himself was an eye-witness and a thousand others participants."

They asked me several questions about Fr. Garnet. I replied that he was innocent and was bound not to betray the name of his penitent for anything in the world. The Archbishop says: "If anyone confessed to me a plot against the King's life I should betray even my penitent himself." I reply: "No one ought to confess to you." They say: "For this reason the Pope canonised him (Fr. Garnet)."

I reply: " How do you know that ?"

They say: " Because he has been painted at Rome amongst your martyrs."

I reply: " 'Tis foolish to base your arguments on the subjects chosen by poets and painters." I added, however, that if he died to preserve the seal of confession, then indeed he was a martyr, and if the Pope had so proclaimed him, I was willing to die for that opinion."

The Archbishop says: " Away with your ' ifs.' What's your own opinion ?"

I reply: " If the letter he wrote from prison, which was witnessed by the ambassadors of two Kings and by other noblemen, and which I saw when I was in England, is true, then indeed he died a good and holy death, and was innocent of complicity in the Gunpowder Plot."

They cite the documents published by the authorities.

I reply: " As these men were his enemies one should not give much credit to those documents; nor do I see any reason why I should not believe my own authorities who are trustworthy. However," I add, " no one has made me judge in these matters, and so I won't give any more answers about it. I came to my country to preach Christ, not Garnet. I must attend to my affairs now, as he did to his then. Each for himself, and God for us all."

Twenty-six hours had passed since I had tasted food and I was weak with fever. Although the heat of discussion had warmed me up I was now attacked by a shivering fit, so they sent me down to the fire. There I was so roundly cursed by a Highlander, a man from my country, who accused me of false perjury and of assuming a decent name to hide a vile trade. He said that he would soon make sure that the honourable Ogilvie name should not be any longer tarnished with Jesuit infamy: and, saving the presence of all these bishop's men and noblemen, he would fling me at once into the roaring flames. I replied

that if he had decided to throw me on a fire there was no more suitable moment for I was all but frozen; but of course he must have a care not to scatter cinders and coals over the house for he himself would be made to clean up the mess. With these and like jokes I dealt with the fellow till the bystanders (who, had I been abroad, would have willingly made a sieve of my body with their daggers) laughed at the man, and he himself, at last learning the truth, promised me all his help.

The Bailie Depute of the Regality announced before all those present that I was no Ogilvie but a Stewart, a fellow townsman of his: that I had a brother a preacher who lived not far away, and that my mother was still living in the town. Some of the burgesses present gave the same evidence; some boyish thefts and orchard robbing were cited as proof of it. I denied the statement; the rest affirmed it, and I was reckoned a perjurer by all present.

The next day my supposed mother turned up. She did not recognise her son, for " I was not lucken handed and I was not dull witted, but rather too sharp." So I had the laugh of those who had laughed at me.

I was sent back to prison and after two days to a cell. A little later I was bound by two rings to a 200-pounds bar of iron like a pole, so that I could only sit or lie on my back, and do nothing else except just struggle to my feet to relieve nature.

Meanwhile a letter came back from London. Order was given for my examination by the boots that I might reveal the homes and names of Catholics. Commissioners came from the King; they condemned to death fourteen Catholics who were captured with me; some of them to be hanged, others broken on the wheel. While the King's orders as to the execution of these sentences were being obtained, the condemned men were sent to various prisons. I was taken to Edinburgh, and when I was led through the crowd of wives and friends of these condemned men,

I was greeted with mud and snow and curses. The local magistrate even urged them on to this work, but the Bishop's servants forbade it, while the ministers looked on. I rode briskly through the streets as though I cared nothing, so that they were surprised by my coolness. I shouted ('tis a Scottish proverb): " It's past joking when the heid's aff," and added: " What else do you want to say or do to me ?" One of the women cursed my ugly looks. " The blessing of Christ on your own bonny face," I replied; and she openly proclaimed her sorrow for what she had said and promised never again to speak evil of me. The heretics noticed how I returned blessings for curses and was good-humoured to those who were raging at me.

Lest I should be recognised in Edinburgh by my cloak I changed it for a riding-coat for the time being, but all to no purpose. Each day they brought as many as they could to my room and asked them whether they had seen me before and with whom. In this way they discovered many of my acquaintances, and where I had been. They spread it abroad that I had betrayed the names of all those whom they had discovered or whom, being timid, they had made to speak and to betray others. At Edinburgh I stayed at the Bishop's palace. The boots were brought up, and they threatened daily to proceed to extremities to force me to reveal the names of persons and places. If I would do so they promised me liberty and rewards. If I would become a heretic they promised me the Provostship of Moffat and a noble wife, over and above the King's gifts. I replied, laughing, that on account of the similarity of name they should have made this offer to Fr. Moffat and not to me, an Ogilvie. They said that he was too stupid. I replied: " Certainly he is much wiser and more learned than me; if he won't do, I shall never suit."

The day appointed arrived, the Lords of the Council were present, and I was sent for. They ask: " When did you come to this city ? Where did you stay first ?" I say

that I am not bound to reveal the names of persons and places. Granted they were judges, they ought to look for crimes and not for people.

They say: "The King can ask where you stayed that he may decide if you have conspired against the good of the realm." I reply: "If the King's questions were a mere matter of ordinary law I would answer but, as I do not recognise him as judge in spiritual affairs, I must not, for conscience' sake, reply in such matters."

They say: "But this inquiry is in the ordinary course of law."

I reply: "Oh no, for procedure and moral authority, such as the King's, is classed, and indeed is determined, according to the purpose and circumstances for which and in which it is used. The King's purpose is a spiritual one, for he seeks information out of hatred to the faith, so that he can arrest and punish Catholics, which is clearly shown by the case of the Glasgow prisoners and the Catholic gentry now under arrest. If I should tell you where I was a guest, you would frighten them to tell you about themselves or to betray others who had been seen with me; and then you would punish them. So I should be the cause of their sentence and should kill others by my folly; or bring them to peril of backsliding on account of the persecution. All these things would be an offence against God and my neighbour, and so would constitute a grave sin. But as no one is bound nor ought to sin against God or his neighbour I am not bound to reply to this question; for, from one statement made to you, you would make the deductions which you need, to the damnation of my soul, the offending of God, and the ruin of my neighbour."

They say: "Won't you obey the King?"

I reply: "What I owe the King that I will pay."

They say: "The King forbids Masses, and you say them."

I reply: "Judge ye whether I ought rather to obey Christ or the King. For Christ (Luke xxii) instituted the Mass and ordered it to be offered up, as I will prove if you want me to. If, then, the King condemns that which Christ has instituted, how will he escape the name of persecutor?"

They say that the King of France exiled Protestants from their country and that the King of Spain burns for religion.

I reply: "Francis did not exile nor does Philip burn for religion, but for heresy, which is not religion but rebellion."

Here the Secretary laughed and nodded to the Archbishop; but the latter kept his peace, shaking his head to show that he did not care.

They say: "You ought not to have come into this realm against the King's commands."

I reply: "The King cannot forbid me my country without legitimate reason, for the same natural law which makes him King makes me a subject."

They say: "He has good reason to fear you Jesuits, both for himself and for the State."

I reply: "Let him do as his mother and as all his predecessors, Kings of Scotland, have done, and he will have no more reason to fear the Jesuits than the King of Spain has. What do we owe him more than our ancestors owed to his? If he has all his ruler's rights from them, why does he seek for more than they left him by the law of succession? Spiritual jurisdiction they neither had nor claimed; nor did they profess other faith than the Catholic and Roman."

One of the Lords of the Council lost his temper and said that the nobles had not come there to bandy words.

I reply: "And I am not arguing; I am only pointing out that I ought not to be deprived of my native land; and that these questions you ask do not come within the

King's jurisdiction. I have committed no crime. If I am guilty let them prove by witnesses that I have sinned against the existence or well-being of the State. Since you can do nothing of the sort why do you persecute me ?"

One of them says: " You cannot better clear yourself of the suspicion of conspiracy than by saying: ' With such a one I was here: this and that I have done in Scotland: ask the persons themselves, and if they convict me then I am guilty.' If you would thus give an account of all those with whom you have spent your time nothing more could be brought against you. Your silence makes us suspect you all the more, for we think you fear betrayal by your accomplices."

I reply: " I will make use of this advice when it shall be for my benefit; at present it is not. For in the first place, in betraying my neighbour to death I should offend God and kill my own soul. For a second reason, it would not help, but rather harm me: for your threats and the King's rewards might tempt a weak man, who hoped to gain your favour and the King's, falsely to pretend there was a conspiracy; so you would have an excuse to be cruel and would slay me whom, though you wish to, you do not punish at present for fear of infamy."

They say: " The King sentences none to death for religion."

I reply: " Why, then, have the burgesses of Glasgow been condemned to the gibbet and the wheel ?"

They say: " Have a care that you don't force us to torture you as the King has commanded."

I say that I will not speak another word.

They say: " Do you maintain the teachings of Suarez ?"

I reply: " I have not read his book; if he teaches anything which is not of faith then let the man who teaches it defend it. I am not the disciple of Suarez. If anyone wants to refute him let them write a better book on the subject."

They say: " It is dark and we have other things to do. Think things over until we send for you again; if you won't do what the King wants you will certainly suffer the extreme penalties."

I reply: " I will think it over, but my mind is already made up as to what I will do, and I have told you already."

They sent me away and discussed what tortures to use to force me to reveal everything. Finally they decided on an enforced vigil, and so for eight days and nine complete nights they forced me to remain awake, using sharp-pointed rods, pins, needles, and blows. All the time they threatened me with marvellous tortures and promised me great rewards. The report of my vigil spread throughout the length and breadth of Scotland, so that many were angered and pitied my sufferings. Many noblemen and lairds urged me to do what the King wanted. But when they obtained nothing but arguments in return for argument they despaired of success, and the Bishop said that he would give a fortune never to have had anything to do with me. Once amongst the crowd of onlookers a gentleman, who had been present at my sufferings, said that he and his men would take care that I got the most atrocious tortures, and that the Council would not stop till the head of the man killed by these tortures hung from the western gate of the city as a warning to obstinacy. I replied: " Wonderful hangman that you are! I pay no heed to you for all you do: act according to your heretic malice; I care nothing for you; I have asked nothing of anyone and never will; I have ever despised you; I can and will willingly suffer more for this cause than you and all yours can inflict. Stop bringing these things to me; put them rather before hysterical women. They spur me on, they do not frighten me. I laugh at them as at the cackling of so many geese!"

My answer left the bystanders silent, and the man went away, leaving me with the gaolers. After a little time he

returned and asked me in friendly fashion if I lacked aught. I replied: " Yes ! a bed to sleep on."

Then he said quietly that he had so spoken out of policy and because of the onlookers. But I knew the man's savage mind, and said that I really did not care nor did I want him to withdraw anything he had said. I added that I knew well enough what I was doing and with whom and how I should act.

On the tenth day the Lords of the Council came back and I was sent for. I was weak, for the vigil had so sapped my strength that I scarce knew what I said or did, where I was, and often indeed what city I was in; yet the preachers were coming the more often, making the most of their opportunity.

I was sent for then, and they talked of their clemency in trying me by the vigil instead of the boots.

I replied that if they had indeed examined me by the boots I might still have been carried to church or lecture-room and so earnt my bread by teaching or by exercising my priesthood in the confessional; but now the vigil had all but destroyed and killed my intelligence. What worse torture indeed, save death, could they have inflicted, since in my calling I needed judgement and not limbs to serve Christ and the Church ? They had tried to convert me, but it was truly a preacher's conversion they aimed at, to turn a sensible man to madness, a Jesuit to folly. Let them keep their provostship if it was to be won by such a conversion.

They say: " Unless you do the King's will worse will follow."

I reply: " Even though I had intended to tell you everything I would not do so now, lest I should seem to speak under compulsion and to be persuaded by blows like a beast and not by reason like a man. Try your boots, and with God's help I'll show you that in this cause I care as little for my shins as you for the boots; I know

myself born for greater things than to be vanquished through my senses, but I put my trust not in myself, but in God's grace. Wherefore," I add, " I will not add to, nor alter, anything that I have said. What you are going to do to me by God's permission, do quickly. I beg no mercy. One thing only I ask: that what you do, you do quickly."

The Archbishop says: " You are speaking in passion. No one wants to die quickly when he can save his life, as you can if you will take the rewards which, with the King's favour, are offered you."

I reply: " I am speaking not in passion but deliberately, and I shall preserve my life if I may: only I am not obliged to lose God in so doing. Since, then, I cannot keep both, I willingly lose the lesser to keep the greater good."

So, tired out with my vigil and with standing about, I returned to my room. There a laird, a sheriff depute of the Glasgow district, greeted me with reproaches, crying out on my stubborn heart, that as a Scotsman I should dare to refuse obedience to the King in anything. " If he were King I should be boiled in wax." Realising that I could not put the fellow off in a friendly way I met him with jests, saying: " No doubt if God wanted to make a king of you he would have given you better brains." I wanted to drink his health across the table, but he would not accept, so I made the jokes personal to get rid of his wrath, and I made all the others laugh, and most heartily the Bishop, till they said that I had sized him up as though I had known him from boyhood. The next day, on my way back to Glasgow he bade me in a friendly manner come and see his gardens and his house, where, indeed, I was well received along with his Grace.

Before I was arrested I had been in the habit of saying my breviary after dark in the heretics' houses, when I was forced to spend the night with them. Someone saw me by chance murmuring to myself and lighting a wax candle.

He denounced me therefore for witchcraft, and after I was arrested laid the accusation before the Bishop, so that the rumour went abroad, though laughed at by sensible folk. On his own he added the lie that I was surrounded by a flock of black beasts which I fed, with I know not what food, and to which also I was speaking. The preachers were telling me this tale, but I laughed at them and would give no other answer but that I was saying my breviary. In the pulpit one preacher said that he did not yet know who I might be, and the Bishop said: "If we had not found your letters and belongings we could not have got anything from you. Is it not intolerable that you won't reveal a single thing while so many slave at this case and get no further forward?" I laughed and said that I was sorry that they had found even the outline of a suspicion that they knew me.

Andrew Knox, the Bishop of the Isles, said that he could say Mass as well as I. I asked him whether he was a priest. He said no. "Very well, then," said I, "you are not a Bishop and you cannot say Mass."

He said: "If you would forsake the inventions of men and follow the religion the apostles preached and professed I would see that you were well looked after; you are a high-spirited fellow and sharp-witted." I said that their religion was not yet ten years old, and added: "When I was a boy you held it of faith that there was not any head of the Church save Christ only, and no one might say otherwise. Now everyone subscribes and swears that the King is head of the Church within his realm. You yourself have formerly subscribed and sworn the reverse. That, then, is not apostolic teaching. For Paul says: 'If I cast down what I have built up I make myself a liar.' You preached at Paisley against episcopacy and said in public that you would call any man a devil—aye, and spit in his face—who was made a bishop. And yet, fifteen days later you yourself became a bishop. And you were not content

with the Bishopric of the Isles, but took another and a fatter one in Ireland. William Andrew Cowper published a book against episcopacy, and now he is Bishop of Galloway. Didn't all the preachers of Scotland subscribe and swear that the name and office of bishop was an abomination and should on no account be allowed in the Church of God? Now you teach exactly the reverse. Tell me now: are you not liars according to the apostolic text?"

They say: "No; now truth has made itself better known we see it more clearly than heretofore."

I reply: "Quite right; you see thousands in a bishop's revenue where you only saw hundreds in a preacher's stipend. But tell me: if these articles were true then, why are they false now? And if they be now false how were they then true? You said then that your teaching was the word of God; you say now that your teaching is the word of God. What is that but lying teaching, building up and destroying at the same time? What lying word is this? Who is this God who contradicts himself, whose word you preach? You said then that it was the lamp of truth; if we ought to have believed you then, why should we believe you now that you are perjured? And if we ought to believe you now, on what authority or for what reason were we bound then to believe you? For then as now you cited Holy Writ. Unless I am greatly mistaken your teaching is a wickedness lying to itself."

The Bishop said: "Mr. Ogilvie, you have a sharp wit; I wish I had many of your sort with me; I would make good use of them."

I replied: "I would prefer to follow the hangman to the gallows, for you are going straight to the devil."

"Do you talk to me in this fashion?" he said.

I replied: "Your pardon, my Lord. I have not learned courtier phrases, and we Jesuits say what we think. I will not flatter. I respect your secular rank and I honour your grey hairs, being mindful of your age, but I give

nothing for your episcopal dignity. You are a layman and have no more spiritual jurisdiction than your stick. If you do not want me to say what I think about you, say the word, and I will keep silence. If you would have me speak, I must say what I think, not what you want to hear."

"I am sorry," he said, "that bread and butter made you turn Papist."

I replied: "You judge me by your own standard, you who abjured two articles of your faith for two episcopates. I am my father's firstborn and, even though I had not been educated, would have taken a gentleman's place by right of birth. If, like you, I was willing to change my religion, I should have the King's favour and revenues not to be sneezed at."

He went away in a rage, and I remained and laughed.

When I was not present the Archbishop, questioned in the council chamber by the Chancellor, said that no one like me had ever come to these parts. Another time (at table) he said that if I escaped they could hang him in my place: for I should put "saut in their kail for them" if I got away.

I don't know what is going to happen. The Archbishop talks to me in public in the most friendly fashion. He is wholly taken up with finding out the places where and the people with whom I have stayed, and punishing them. They are astonished that I am sorry only for the troubles of others while I rather rejoice in my own sufferings. They take every care that no one should talk with me save in the presence of the gaoler and that no one should bring me pen or paper. Very seldom does anyone visit me except to annoy me or to bring me food. If anyone else comes he is an object either of suspicion or scorn.

I came to Glasgow on Christmas Eve, and I am bound by both feet to my stake. Just now, however, I am fastened by one foot only (with a bolt and two iron wedges to fix the iron), lest I should fall ill by always lying on my

back. A letter comes back from London. I am sent for to a meeting of the nobles and bidden to answer. Suarez and Bellarmine are on the table. They ask if the Pope can depose a heretic King.

I reply: "It is the opinion of many Doctors, and is indeed a very probable thesis; when it shall be defined as of faith I will die for it. Till then I am not bound to express my opinion until I am asked officially by the judge of the controversies of religion—that is, by the Pope or by one with authority from him."

They ask me, in the second place, whether a King excommunicated can be put to death by the Pope's orders.

I reply: "You have no spiritual jurisdiction. I will not therefore reply to a question anent Christian doctrine lest I seem to acknowledge that the King has spiritual jurisdiction. If you came to me for instruction I would speak; but since you make these enquiries as judges I cannot in conscience say what my opinion is."

I condemned both the oaths required of the English, *the oaths of supremacy and allegiance.*

They ask whether the Pope has jurisdiction over the King.

I reply: "He has if the King is a baptised Christian."

They ask whether the Pope can excommunicate the King.

I reply: "He can."

When they ask how the Pope can excommunicate a man who is not a member of his Church, I reply: "A heretic is in the Church as far as the incidence of punishment is concerned, but not as regards the sharing of the gifts and graces of salvation. In just the same way as the King can seize and punish outlaws and robbers, so the Pope can and ought to punish heretic rebels and those who flee from the Mother Church. For the Pope acquires his authority over man by baptism; by that man enters the

* Added by fellow-captives in the 1616 edition.

Church, is made a member of the mystic body, a sheep of Christ's flock whose shepherd is the Pope."

"But," says the Archbishop, "this would make many loathe baptism."

I reply: "That is indeed true of the proud who despise the humble yoke of Christ and, with their father, the devil, seek their own and not Christ's glory; but of others it is not true."

(The continuation of this account up to and including the martyrdom of the aforesaid Father, as taken from the narratives of his fellow-captives and of those who were present at all that is related:)

It is said, amongst other things, that the oft-mentioned Archbishop sent the King an account of the whole matter and of the interrogatories, making slanderous and malicious comments thereupon. Good reasons exist for believing this, as the Archbishop had vowed to have Ogilvie put to death. The Archbishop and the other gentry who had been present signed the complete report. The same Archbishop dismissed the prison gaoler who, on the whole, had been kind to the prisoner, and put in his place his own steward, a dour and cruel fellow. This man loaded Ogilvie with irons and left him in unbroken solitude. Nor did he trust in the bolts with which those heavy fetters were fixed, but had iron wedges driven in as well and bent over the joints of either ring. This showed how afraid he was of the prisoner's escape; yet the martyr was accustomed to say that, had the chains been of wax even, he would not break them, nor, if the doors stood open, would he pass them to desert so just a cause until it seemed good to the divine Providence otherwise to provide for him. His gaolers added to these precautions special guards, and the citizens took turn for the night watches. The Archbishop, who was at Edinburgh, heard that the prisoner was being treated more kindly than usual by his wife. (Indeed, she

only did so when, as was her custom, she had been drinking rather a lot. Such is the sobriety of the Bishopesses of the heretics.) He therefore sent for her, and the martyr was deprived even of this kindness. At last the King's letter came with its order that the prisoner be executed unless he recanted the statements he had signed. The rumour of this spread abroad and reached the prisoner, who, being asked by the gaolers how he was keeping, replied that he was kept to the ground by the weight of iron which held him down. He asked them in turn if they had any news. They said, "None at all," and he replied, "I, then, will give you some: to-morrow or the day after a priest must die."

Meanwhile the Archbishop came back from Edinburgh with many of the gentry and a company of fanatic opponents of the orthodox faith. He came to sit in judgement on the martyr. The day before the latter was to die he had his feet washed and asked the bystanders to his wedding on the following day. He did not get an untroubled night, for the gaolers were noisy.

But with the dawn there was a lull, and he obtained as best he might an interval for prayer, for other people were turned out of the prison. This continued till the Provost arrived with his guard of armed citizens and said that he awaited the prisoner, inquiring whether he were ready. Fr. Ogilvie answered that he had long been ready to go, and welcomed the hour, and so they led him out of prison.

The Archbishop's steward had appropriated Fr. Ogilvie's cloak as his perquisite. In place of it he was half covered by a short cloak, torn under the arm. As he was taken along a crowd of both sexes and of all sorts of people assembled to see him. The wives and relatives of his condemned fellow-captives, who some days before had heaped curses on him and pelted him with snowballs because they thought him the cause of the sufferings of all their friends, saw things now in a clearer light, and

knew his courage and constancy had revealed not a single Catholic name. They therefore called down blessings on him and shed tears for him, and the rest of the crowd, though heretics, did the like.

At length he was brought into the hall where were sitting the judges of iniquity, and he was placed uncovered in that place which is appointed for criminals under examination. The roll of the jury was called according to custom, and he was asked if he had anything against them, any objection to make, and whether he was willing to have his cause tried by them.

He answered that if they were his friends they should, in the same cause, be suffering the same lot of calamity as he, but if they were his enemies they could not justly judge him.

They said in reply: "Then judges must be summoned for you from Rome, or at least we must send for those who heard your Mass."

To this the martyr answered: "Those poor men knew more about supporting their families and themselves by merchandise than by presiding in criminal courts."

The Archbishop stated that the martyr had reduced their families to beggary.

Fr. Ogilvie said that the Archbishop himself rather had done this by ruining their health in a loathsome prison and exhausting their means, and that they were forced to hand over what little they had left to the Archbishop to be exempted from persecution. He added that he himself had been a burden to none, but had directed his efforts on one object alone, to renew his people with spiritual consolation and to keep them unspotted from heresy.

The Archbishop replied that he was a liar.

"Point out the lie," answered Fr. Ogilvie, "if you can. I speak as I think of things I know to be true."

He was asked whether he would allow a particular gentleman to be one of his judges. This gentleman was

a Catholic, and had been accused of allowing the martyr to say Mass in his house. To save this man from danger Fr. Ogilvie replied that he was suspicious of him. "For," he went on, "since he was accused on my account I am afraid he may be mindful of that wrong and bitter against me in his eagerness to justify himself."

He was then examined as before by the fifteen jurymen, and gave the same answers as before to each of the questions. But when he had replied (as above) to the last two questions (*i.e.*, whether the Pope can depose a King being excommunicate, and whether he can deliver him up to be executed, etc.) that he would give no answer, the judges insisted that he must do so, for silence on this subject would be taken as a confession of guilt. Then he said: "Judge me by my words and my deeds: leave to God, to whom it belongs, the tribunal of thoughts."

"But are you not willing to comply with the King's will in this matter?" they say.

"In every duty," he replied, "which I owe the King's Majesty I will show myself a most obedient subject; for if any invade his temporal rights I would shed my last drop of blood in his defence. But as to those matters which the King unjustly claims—*i.e.*, the exercise of spiritual jurisdiction—I ought not to render him any obedience, nor can I do so. Let the King take heed lest in seizing the rights of another he lose his own. Therefore I will not make any answer to these questions lest I should seem to acknowledge the spiritual jurisdiction of the King, which is not his by right. Perchance I would say otherwise if anyone should ask me these questions to get my advice."

"Very well," said one of the jury. "I ask your advice on these difficult matters. What is your answer?"

"It seems to me folly," said the martyr, "for you, a judge, to ask advice of one who am accused criminally, concerning these very matters. I will not, therefore, make any answer to the judges on these subjects until the Church

has determined thereon. Your only purpose is to trap me in talk and so find it an excuse for your cruelty which desires my death. You seem to me like a swarm of flies who descend on a savoury dish, or like fishermen who with their nets gather round a poor, worried little fish in a pond."

He was asked whether he approved of parricide, and replied that he detested it.

When the judges assembled, that by their collective votes they might pronounce sentence on him, he reminded them of the Divine Judgement, and exclaimed against their judicial injustice to Catholics.

When the Archbishop asked whether, if his life were spared and he were exiled, he would return to the country, he replied: " If I were exiled for a crime of which I was guilty I should take good care not to return; but if I be exiled for this cause which I support I shall not fail again to seek my country. Would that every hair of my head could make a thousand converts to the Orthodox faith, and first amongst them you, my Lord Archbishop. I do not reckon it against conscience to resist these your unjust statutes which, without right or authority, have been enacted against the professors of the true Religion. Especially is this so when I have on my side the laws and statutes of all the former Kings and Queens of this our country. If, indeed, the King had sentenced all you ministers to the gallows when you had resisted him in that assembly which you held at Dundee or Aberdeen, laying it down that no one should be called Head of the Church on earth, then, indeed, I might be afraid to return to my country from exile. But as he spared you in so villain a cause (being one which was against the person of him who claims to be Head of the Church), why should not I obey Christ rather than the King? Why should I not hope that he will be kind to me when my cause is so just, who still spares you though your cause was not ?"

The jury soon returned from their deliberations, and sentence of death was pronounced on him. It was in the form that he be taken to the gallows erected for him in the market-place, there to be hanged, and to have his head cut off, and his body to be quartered and exposed to public view in four different places. The martyr thanked the judge who pronounced sentence, and gave him his blessing; he embraced him at the same time, and thanked the rest of them, including the Archbishop. He shook hands with them, saying that he forgave them all from the bottom of his heart as he hoped for forgiveness from God. He commended himself to the prayers of hidden Catholics if any were there, and then, turning to the wall, occupied himself in prayer.

The Archbishop meanwhile gave orders that, as he was condemned for treason, he might not say anything to the onlookers. While the martyr was at prayer and the others had gone to their dinners, a servant of the Bishop's came with the sheriff and the hangman. The martyr embraced the latter and bade him be of good cheer, adding that he forgave him. Orders were given for him to be taken and bound and led away to the place of martyrdom.

When he came there the whole population collected as for a show, but he had been forbidden to speak to them. He embraced and kissed the gallows prepared for him, and bowed himself in prayer. A minister stood by and cried openly to the people that the prisoner was sentenced to death not for religion but for treason. The martyr showed by shaking his head (for he was not allowed to speak) how much he disagreed with these lies. One of his relatives, who urged him to bear even this in patience, was thrown from the platform to the street below by order of the Archbishop's men. He would have broken his neck and been killed had he not landed on the packed crowd. The Archbishop's men shouted as they threw him down: "Why should a traitor like you befriend another traitor?"

When the martyr, who still persevered in prayer, realised what had happened, he said: "I am astonished at your behaviour. You forbid me to speak in my defence and then slander both my cause and me to the people with your lies. You are not fair to me when you pretend that I have said anything against the King: I have neither said nor done any such thing. I only maintained that the Pope has spiritual jurisdiction in the King's realms and in the whole world over Christians, and that he can excommunicate a heretic King. If I said anything else let it be shown to the people, for I have written and signed all my statements and am ready to die for them. But you reported falsely of me to the King, and now you would persuade the people similarly. Another Scotsman and I"—(when he was asked he said that he meant Fr. Creighton)—"did more for his Majesty abroad than you and all the ministers of Scotland can do, and I am ready to give my life for him. But now I am sent to my death for religion alone."

When a minister asked him whether he was afraid to die, he replied: "In so good a cause I am not more afraid of death than you are of the dishes when you go to supper."

Then they bound his hands again behind his back, and so tightly that his fingers trembled. He was ordered to mount the ladder. As he went up he still prayed, and begged Catholics also, if perchance any were there, to pray for him. He then began to invoke the Blessed Virgin and all the heavenly host, saying that his hope rested in the merits of Christ's blood, and, while all listened, he repeated this in Latin first and then in English. After repeated orders from the sheriff to shake the prisoner from the ladder, the hangman reluctantly and with great compassion knocked him off the step. When this was done there arose a tumult and murmur amongst the people. Those of both sexes and of all ages wept for his unjust death, and cried out upon the cruelty of the ministers,

especially of the Archbishop, praying God to take vengeance of the innocent blood on those who gave the order, but to save the people from the guilt.

In subsequent sermons the ministers reproached the people for these complaints and said that it was not seemly thus to lament the death of a traitor and villain. But the people kept long in mind the slanders of the ministers and their unjust charges and how they had been well refuted by the martyr, nor did they forget how a provostship, a wife, royal gifts and other things had been offered to him, all of which was good evidence of his innocence.

When the martyr's holy soul was released from its carnal prison, the cord was cut and the sacred corpse, no longer sustained, fell to the boards beneath with a great thud. It was put in a coffin by the hangman and heretic burial-men (for no Catholic dared to go near), and was committed to the ground in a place outside the city used for the sepulture of criminals.

A mounted man was seen in the evening about two miles beyond the city, who, when he knew that the priest was delivered to the executioner, returned in great haste to his friends.

At dead of night forty mounted men were seen about the martyr's grave, who are believed to have carried off the sacred remains. That they were Catholics there is no doubt. Indeed, when the matter was reported to the magistrates they came down to the spot in the morning with a large bodyguard. They found the earth somewhat disturbed, and, by the magistrates' orders, some men dug into the ground with pickaxes to find whether the coffin was still below. They met some sort of resistance, and so further search was forbidden. Announcement was therefore made that it was evident the body had not been removed.

The aforesaid martyr was taken, so his fellow-captives say, about October 14, 1614. He was martyred on March 10, 1615.

Approval.

This account of the imprisonment and martyrdom of the Reverend Father Ogilvie may be usefully printed.

GEORGE COLVENER,
Doctor and Professor of Sacred Theology and Censor of Books in Douai University.

DOUAI,
29th July, 1615.

VII

The following account of Ogilvie's capture, trial, and execution was published in Scotland shortly after his death, and has often been reprinted. It is generally agreed to be inspired by Spottiswoode himself, as it is clearly a Government production, and some eighteenth-century historians say that it was written by the minister Robert Scot.

In details it agrees entirely with Ogilvie's *Relatio Incarcerationis*. Even in representing Ogilvie's statements it is usually fair. Possibly there was exaggeration when mention was made of the passion with which he defended himself. Certainly it was false to say (see p. 204) that he equivocated in his depositions. The official copy of the latter shows that Ogilvie took care to mention both his visits to Scotland. In no other respect, however, do I detect the Government writer to have misstated the facts.

A TRUE RELATION OF THE PROCEEDINGS

Against John Ogilvie, a Jesuit, especially at his arraignement and execution, which was at Glasgow, the last of Februarie, beeing on Tuesday, 1615.

John Ogilvie, alias Watson (for according to the maners of this sect he was *multinominis*, a man of divers names), came into Scotland ad Martimes, 1613, and making his residence, for the most part of that winter, in the North

parts of Scotland, tooke his journey to England a little before Easter. Where, giving out to some of his countreymen, that he had a supplication for some wrongs to present to his Majestie, hee attended the court, some two moneths; and falling in acquaintance with a Gentleman of the West countrey, after his pretended businesse was done, or the occasion disappointed, he returned into Scotland with the saide Gentleman, in the beginning of June thereafter. Upon this familiaritie, and other intelligences given him, he came to Glasgow in August following; and finding a kinder receipt by certaine persons in that citie (who for that crime have bene justly condemned) then either he expected, or became them to have granted, he made some haunt and resort thither at sundry times, till at last he was detected, and, by the direction of the Archbishop of Glasgow, who at that time kept his residence within the citie, apprehended and committed to prison. It was the fourth of October, a little after foure in the afternoone, when perceaved to bee overtaken somewhat in company, his examination was differed to the morrow after. There was found with him two or thrie little bookes, containing directions for confession, his budget being in the house where he kept at night, was convoyed out of the way by one of his familiars, and presented the next day after, search beeing made by the magistrates of the citie, therein was found his Masse garments, chalice, alter, and the rest of that stuffe, with letters not fit at this time to bee divulgate. Amongst others, a warrand to dispence with those who then possest Church-livings, after this tenor, *quoad dispensationem de bonis ecclesiasticis poteris dispensare ut retineant quae possident, dummodo in pios usus aliquid impendant pro judicio confessarii dispensantis.* He had in the samin maile diverse Reliques, peeces of wood, bones, and a tufte of Ignatius hair, the founder of the Jesuites order, wich I think was his chiefest jewell.

In his examination, which was the next morning, before

the Archbishop of Glasgow, the Bishop of Argyle, the Lords Fleming, Boyde, and Kilsyth, the Provost of the citie of Glasgow, Sr. Walter Stewart, and Sr. George Elphingston, knights, he confessed his true name to be John Ogilvie, that he was borne in the North of Scotland, et had bene foorth of the countrey 21 yeares, that he lived at Grats, in a Colledge of the Jesuites, and was received in their Order; that he returned into Scotland by the command of his superiour, and was to stay there untill hee were recalled, if no other impediment should offer. Being required to give his oath, that he should declare nothing but trueth, in such things as should be demanded: hee answered, that he would take oath, but with some exceptions, namely, if hee were demanded in any thing that touched his estate and life, or that might indanger these or any of them he would not answere, likewise if the same tended to the prejudice of others. And when it was replied, that his exceptions being admitted, his oath was as good as no oath, seeing any questions that could bee proposed, would concerne some of these; he was induced ad last to give a simple oath, which he did upon his knees: and rising up from the ground, said: I will neither lie nor aequivocate, but what I say shal be truth; and what I am asked, if I find it impertinent for me to answere, I will say nothing, or declare plainly I will not tel.

Then being inquired of his coming in Scotland, the time, and busines he came to do, answered, " his busines was to save soules." Touching the time when he came into Scotland, answered, In the June before: where hee was deprehended to aequivocate, notwithstanding of his protestation: for he meaned of his last coming, and was asked concerning the first. But the time at that examination was not understood. Being inquired of the places where he had been received, denyed to tel: and if he had said Masse in any place, he answered, hee would not say anything that might worke prejudice to himselfe

or others: and because he had professed, that hee would not lie, the reply he commonly made to such questions, was, I will not tell you.

The lordes, finding him thus obstinate, returned him to a chamber in the castle, which was prepared for him, nothing lacking that was requisite for one of his qualitie, and there hee was kept to the 8. of December. Now and then conference was given him by divers of the Ministers, in all which, heate and choler was espyed much to overrule him.

The Schole distinctions he had in readiness, and thereby, when hee could not shift the argument, made semblance to evade. But of holy Scripture (as he seemed, not to be well acquainted therewith) hee made little reckoning, denying it still, after the Jesuites maner, to bee the onely rule of faith.

The 12. of December he was presented at Edinburgh, before the Lords Commissioners, appointed by his Majesties missive for his examination and tryall: namely, the lord of Binning, secretary, the lord of Kilsyth, Sir Gidion Murray, thesaurer deputie, and Sir William Oliphant, his Majesties Atturney generall: to whom he answered in all that was proposed, as of before at Glasgow. There, the letters intercepted with him were presented, which he acknowledged to be his: yet being demanded touching certain particulars contained in them, he denyed to give their lordships any satisfaction: And howbeit there was no persuasion omitted, that might have induced any good nature to a better resolution, it availed not. So as their lordships, perceiving nothing but a pertinacious refusing in him, to answere to points most reasonable, and withall apprehending his stay at court in the last summer, to have bene for some worse service then he could speede in, determined, according to the power given them, to extort by torments another confession: which being intimated to him, and he replying that he was ready to suffer what they

pleased, it was thought fit to prove him with the most easiest forme of tryall that could be used. And here it being remembered, that in the tryall of some criminal persons, it was found that nothing helped more to find out the trueth of the faults wherewith they were charged, then the with-holding of their naturall rest: it was advised, that he shoulde bee kept without sleepe for some nights, which was accordingly done: and during which time it was perceived, that hee remitted much of his former obstinacie, and falling to discover certaine of his receavers in Edinburgh, gave hope, that by gentle usage hee would bee drawne to give their lordships contentment.

In the mean time, Christmasse approaching, at which time there is an ordinarie cessation from the affaires of counsell and session, the Archbishop of Glasgow beeing to repaire homewards, and unwilling to discharge himselfe of that prisoner, till hee might at leisure worke him to a better minde, obtained the favour of their L. to retaine him in his companie, for a fourth-night after, or till hee shoulde returne himselfe to Edinburgh.

It pleased his Ma. in this time whilst he was remaining at Glasgow to send a commission to the Archbishop of Glasgow, the Lord Bishop of Argyle, the Lord Fleming, Sr. George Elphingston, and James Hammilton Provest of the citie of Glasgow, for trying the said Jesuit, his opinion touching his Highnesse Royal power, and the Popes claimed jurisdiction, maintained by Bellarmine, Suarius and others of that sort. The questions were these:

" 1. Whether the Pope be judge, and have power *in spiritualibus* over his Majestie, and whether that power will reach over his Majestie even *in temporalibus*, if it be *in ordine ad spiritualia*, as Bellarmine affirmeth.

" 2. Whether the Pope have the power to excommunicate Kings (especially such as are not of his Church) as his Majestie ?

" 3. Whether the Pope have power to depose Kings,

by him excommunicated? And in particular Whether he have power to depose the King his Majesty?

"4. Whether it be no murther to slay his Majesty, being so excommunicated and deposed by the Pope?

"5. Whether the Pope have power to assoyle subjects from the oath of their borne and natural allegeance to his Majestie?"

Upon the 18. day of Januarie, the foresaid questions being red distinctly unto him, and he required to declare his opinion thereanent, answered as followeth:

To the first, that hee thought the Pope of Rome judge to his Majestie, and to have power over him *in spiritualibus*, if the King bee a Christian: and where it is asked, if that power will reach over his Majestie *in temporalibus*, hee sayes hee is not oblished to declare his opinion therein, except to him that is Judge in controversies of Religion, which hee acknowledges to bee the Pope, or some one, having authoritie of him.

To the second he answereth, that the Pope hath power to excommunicate his Majestie: and where it is said, that the King is not the Pope of his Church: he saieth, that all who are baptised, are under the Pope's power.

To the third, where it is asked if the Pope have power to depose his Majestie, being excommunicated, answereth, that he will not declare his mind, except to him that is Judge in controversies of Religion.

To the fourth, whether it bee lawful to slay his Majestie, beeing excommunicated and deposed by the Pope? Answereth *ut supra.*

To the fift, whether the Pope hath power to assoile subjects from their borne and naturall allegeance to his Majestie? Answereth *ut supra.*

In all these Articles he was particularly resoned with, by the Archbishop of Glasgow, Mr. Robert Boyd, principal of the College, a man of rare erudition, et Mr. Robert Scot, one of the Ministers of the citie; where it was also

signified unto him, that it concerned him in no lesse than his life, what answere he should make, if he should stand obstinate in these he had given, he might know what favour was to be expected for his other crimes. Not the lesse ratifying all that formerly was said, hee added this further, that he condemned the oathes of supremacie and allegeance proposed to be sworne in England, and would needes have the writer to insert those wordes, to all which hee put his hand, subscribing thus.

JOHANNES OGILVEUS, *Societatis Jesu.*

These answeres beeing sent to his Majestie, under the testification of the foresaide commissioners, his highnesse gave order to the lordes of the privie counsell, for his triall, which was appointed to be at Glasgow, the last of Februarie. Immediately after, the Archbishop of Glasgow directed the Provest and Baylies of the citie unto him, to signifie, that Tuesday following was appointed for his Arraignment, and that hee would not bee accused for Masse saying, or any thing else that concerned his profession, but for the answeres that hee had made to the demands proposed to him by his Majesties commissioners.

They declared also, that if hee should, upon better resolution, recall those answers, and apply himselfe to give his Majestie satisfaction in other points, which of duetie was oblished unto, the said Archbishop would use his credite with his highnesse, and the lordes of the privie counsell for his saftie. His answere was, that he thanked his lordship for the good will and Kindnesse offered, but he was so little minded to recall any thing hee had said, as when hee came to the place, hee would make a commentarie upon his answeres

The Ministers of Glasgow, accompanied with maister William Struthers, one of the Ministers of Edinburgh, did also visite him, some two dayes before, advising him to the same purpose, and offering him their best counsell and

comfort. His answere was, that he had resolved what to doe, and if he stoode in neede of their comfort, he shoulde advertise.

The Earle of Lowthaine, trusting by conference to bring him to a better minde, went unto him at divers times, using many persuations to draw him from his obstinate course: but nothing could prevaile with him, as in the proceedings ye shall perceive.

THE ARAIGNMENT OF JOHN OGILVIE, on Tuesday the last of Februarie, in the townehouse of Glasgow, Before James Hammilton Provest of Glasgow, James Bell, Coline Campbell, and James Bradwood, Baylies of the citie, Justices appointed by special commission for that busines, by the Lordes of privie counsell. The foresaid Judges being assisted by the honourable Lords there present:

John, Archbishop of Glasgow; James, Marques of Hammilton; Robert, Earle of Lowthiane; William, Lord Sanquhar; John, Lord Fleming; Robert, Lord Boyde; And Sir Walter Stewart, Baylie deputie of the Regalitie of Glasgow.

On Tuesday, the last of Februarie, a little after 11. of the clocke in the forenoone, the court beeing set, Mr. William Hay of Baro commissar of Glasgow, deputed by speciall commission from Sr. William Oliphant of Newton, his Majesties Atturney generall, produced the inditement following: together with the citation used against those, who were to passe upon the jurie, and the roll of their particular names, subscribed with his hand, according to the custome observed in those cases.

THE INDITEMENT OF JOHN OGILVIE Jesuit, after the forme of the law of Scotland, John Ogilvie, by your subscription, a priest of the late execrable order of the Jesuits, you are indited and accused, that foreasmuch as, God, the author of all righteous government, having established Kings, and Magistrates his lieuetenants upon earth for repressing of violence, oppression, and vice, and the pro-

moting of pietie and justice, hath, in his particular grace and favor, blessed this countrey with a more ancient, just and permanent descent of lawful Kings, then any other nation of the world, and extended our felicitie beyond the happiness of our antecessors, by the justice, wisdome, and clemencie of his Majesties prosperous reigne; and hath not onely rewarded his Majesties zeale and righteousness with wealth and peace, but also honoured and strengthened him with the accession of the most mightie and flourishing kingdomes of England, France, and Ireland. Which visible favours, proceeding directly from God's most bountifull hand, mooved the whole Estates of this kingdome assembled in the Parliament holden at Perth, the 9th of Julie, 1606, to acknowledge his Majesties soveraigne authorities, Princely power, Royall prerogative, and priviledge of his crowne over all estates, persons, and causes whatsoever, within the kingdome: And all in one voice faithfully promise, maintaine, defend, obey et advance the life, safetie, honour, dignitie, soveraigne authoritie et prerogative royal of his sacred Majestie and priviledges of his crowne: And to with-stand all persons, powers and estates, who should presume, preasse, or intend any wayes to impugne, hurt, or impaire the same: As also his Majestie, with advise of the whole estates of this Kingdome, in the Parliament holden at Edinburgh, the 22. day of May, Anno 1584 ratified, approved, and perpetually confirmed, his Majesties royal power and authoritie over all estates, as well spiritual as temporall, within this Realme: And statuted and ordained, that his Highnesse, his heyres and successouries, by themselves et their counselles, were, and in all times comming should bee, judges, competent to all persons his Highnesse subjects, of whatsoever estate, degree, function, or condition, that ever they be of, spiritual or temporall, in all matters wherein they or any of them should be apprehended, summoned, or charged to answere unto such things as should be inquired of them, by our

said soveraigne Lord and his counsell: And that none of them who should be apprehended, called, or summoned, to the effect foresaid, should presume or take in hand, to decline the Judgement of his Highnesse, his heyres and successours, or their counsell in the premisses, under the paine of treason: And likewise by the 48. Act of King James the first his Parliament, and divers other Parliaments thereafter: It is ordained, that all the Kings and his lieges live and be gouverned under the Kings lawes and statutes, and under no lawes of other countries et Realmes, under the paines of treason, and others, particularly expressed in the Acts before mentioned, and other lawes of this kingdome. Notwithstanding whereof it is of trueth and veritie, that you, having renounced your natural allegeance and duetie to your native and righteous King, and cast off all reverence, respect, and obedience to his soveraigne authoritie and lawes, and dedicated your mind and actions to the unlawful obedience of forraine powers, adversaries to his Majestie, and resolving, so farre as in you lieth, to seduce his Majesties subjects from the faith and allegeance due to his Majestie. Repaired to his countrey in the moneth of June last past, or there about, And by your conferences, intisements, auricular confessions, Masse saying, and other subtle et craftie meanes, indevoured your selfe not onely to corrupt many of his Majesties lieges, in religion, but also to pervert them from their duetifull obedience due to his Majestie, till you were discovered and apprehended by the Archbishop of Glasgow, who with divers his Majesties counsellers and others his good subjects, used all Christian and charitable meanes to bring you to the sense of your hainous offences and desire of amendment thereof: But they, losing all their well-intended labours, were (in respect of your perverse obstinacie) commanded by his Majestie, to enter to your examination, and the tryall of your hainous crimes and transgressions. And especially the saide Archbishop of Glasgow, and many

others of good ranke and qualitie adjoined to him, by his Majestie, for your examination, having upon the 18. day of Januarie last, called you before them, to examine you upon some particular interrogatories, prescribed by his Majestie to be demanded of you, as directly concerning his Majesties moste sacred person, life, crowne, and estate. And chiefly, you beeing demanded by them, whether the Pope hath power to depose Kinges, beeing excommunicated? And in particular, if we have power to depose of Kings Majestie our soveraigne, being excommunicated by him? You answered treasonably, that you would not declare your mind except to him that is judge in the controversies of Religion, whom (by your answer made to the latter part of the first interrogatorie, demanded of you that day) you declared to bee the Pope, or any, having authoritie from him: Albeit by the Acts of Parliament and lawes of this Realme, made in the yeeres of God 1560 and 1567. It is statuted and ordained, that the Bishop of Rome (called the Pope) shall have no Jurisdiction, nor authoritie within this Realme, in any time comming: And thereby not onely declined treasonably his Majesties Jurisdiction, allowing the Popes Jurisdiction, which is discharged by Acts of Parliament, as said is; but hath committed most damnable and high treason, in not acknowledging that the Pope hath no power to depose his Majestie, who, holding his crowne and authoritie absolutely, soverainly, and immediately to God, may not be deposed by any earthly person, or authoritie. And thereafter you being demanded, if it be lawful to slay his Majesty, being excommunicated and deposed by the Pope? You answered, *ut supra:* which was, that you woulde not declare your mind till you were before the Pope, or others having authoritie from him: Thereby not onely declining treasonably his Majesties jurisdiction and authorities royal: But by your not answering clearly, that it is altogether unlawful, damnable, and diabolicall, once to thinke that it is lawful to slay his most

sacred Majestie, you have committed most hainous, pernicious and unpardonable treason. And lastly, beeing demanded, if the Pope had power to assoile his Majesties borne subjects from their naturall allegeance, you answered, *ut supra:* and thereby both declined treasonably his Highnesse jurisdiction and authoritie royall, in refusing to answere before his Maiest. Counsellers and Commissioners foresaid, in one matter meerely concerning his royal power over his people, et their subjection to his Majestie; and also committed wilfull and detestable treason, in not acknowledging professedly and presently, that none on earth had power to assoile his Maiest. subjects from their naturall subjection and allegeance to him. But that it may bee knowne that your treason proceeded of forethought fellonie, and obstinate resolution, you freely and unrequiredly did adde to your foresaid answeres this damnable conclusion, that you condemned the oathes of supremacie and allegeance given to his Maiest. by his subjects in his Dominions: " Vherby it is apparent, that your erand to this countrie, hath beene to infect his Highnesse subjects, with the poison of your pestilent and treasonable opinion foresaid, to the subversion of Religion, overthrow of his Majesties authoritie and crown, and destruction of his most sacred person. And albeit the course of all his Majesties life and reigne, hath manifested, how unwilling he hath ever beene to use the severitie of his lawes against those who hath saith et heard Masse, and otherwise controvened the Acts of Parliament made against idolatrous papistrie, and practisers thereof within this Kingdome, desiring rather to reclaime them by instruction, from their errours, to the Knowledge and profession of the trueth: And when he found them obdurat, and of desperate resolution, relieving the countrie of the dangerous progresse of their courses, by their imprisonment and banishment, whereof you had such experience in the persones of your owne complices, condemned for their manifest crymes, as might

verie probablie have made you to have expected the like, if anie memorie of your native duetie and borne allegeance had possessed your mind: But you beeing altogether destitute thereof, by the three last Articles of your depositions above written, you have so plainely discovered, that you professedly approve the meanes and with the effect of the overthrowe of his Majesties estate, the destruction of his Highnesse person, and seduction of his native subjects, from their subjection, and duetifull obedience: that thereby, and by every one your foresaide answeres, you have committed most hainous, detestable, and unpardonable treason, and deservedly incurred the most rigourous paines thereof to be executed upon your body, lands, and goods with all extremities to the terrour of others.

THE INDITEMENT BEING READ, maister William Hay, substitute for his majesties atturney, opened the same, to the effect following. Albeit the inditement of itselfe be cleare enough, and representeth sufficiently to my Lordes Justices, their honourable Lordships heere assisting, and to your selfe John Ogilvie, who standes there accused, the weight and gravitie of the crime by you committed, yet shall resume it to you in few words, that your answeres may be the more distinct, and without mistaking.

You are not accused of saying Masse, nor of seducing his Majesties subjects to a contrarie religion, nor of any point touching you in conscience properly, but for declining his Majesties authoritie, against the lawes and statutes of the land, and for maintaining treasonable opinions: such as whe of this Realme have not heard by any avowed. The statutes mentioned in your inditement, make it treason not to answere the king Majestie, or his counsell in any matter which shall be demanded: You being examined by my Lord Archbishop of Glascow, and other honourable persons adioyned to him by his Majesties speciall commission, refused to answer unto divers interrogatories proposed to you by their Lordships, and at the same time

professedly avouched the Pope of Rome his jurisdiction, which by the lawes of the countrie is many yeeres since plainly discharged: Therefore have you incurred the penaltie contained in the statutes, and the samine ought and should be executed upon you.

It is further laid unto your charge, that you, being demanded in the particulars, namely, Whether the Pope hath power to depose the kings Majestie, our sovereigne? Secondly, whether it be lawfuld to slay his Majestie, beeing deposed by the Pope? Thirdly, Whether the Pope hath power to assoile his Majesties subjects, from their naturall allegeance, or not? you denied to give any answere touching any of these points except yee were inquired whereof by the Pope, or others, having authoritie from him: and so not acknowledging, that his Majesties crowne and authoritie is held immediately and soverainely by God, the author of all government: that it is detestable once to thinke, that his sacred Majestie may bee lawfully killed, and that no man hath power to assoile his Majesties subjects from their naturall allegeance to his Highnesse: You have, in these points, and every one of them, committed most hainous treason: for the which, what you say in your owne defense, It see not, And yet further, that it may be seene, how desperate your resolution is in al these points although you were not required concerning the oaths of supremacy and allegeance given to his Majestie by his subjects, ye freely, and out of your owne motives, condemned these oathes, as impious and unlawfull. Thereby hath it appeared what a wicked and treasonable mind you foster against his Majestie, our Soveraigne. If you should deny it, heere are your answeres subscribed with your owne hand, which ye cannot but acknowledge: them I desire to be read, as likewise the severall statutes of Parliament, which you are alledged to have transgressed, and thereafter, since his Majestie is pleased, that the ordinarie course of tryall be kept unto you: you shall have libertie to say

for your selfe, either against the relevancie of the Inditement, or verification produced, what you tinke best.

Then where read the Statutes of Parliament, mentioned in the inditement, and the said John Ogilvies answeres to the demands proponed unto him, which he acknowledged for his owne, and the subscription there-to subjoyned: after which, having licence of the court to say what hee coulde for himselfe, hee spake to this affect:

First under protestation, that I doe no way acknowledge this judgement, nor receive you, that have that commission there produced, for my judges: I deny any point laid against me to be treason: for if it were treason, it would be treason in all places, and in all Kingdomes: but that, saith he, is knowne not to be so. As for your actes of Parliament, they are made by a number of partiall men, the best of the Land not agreeing with them, and of matters not subject of their forum, or Judicatorie, for which I will not give a rotten figge!

Where I am thought an enemie to the Kings Majesties authoritie, I knowe none other authoritie he hath, but that which he received from his predecessors, who acknowledged the Pope of Rome his jurisdiction. If the King, saith he, will be to me as his predecessors were to mine, I will obey and acknowledge him for my King, but if he doe otherwise, and play the runneagate from God, as he and you all doe, I will not acknowledge him more than this olde hatte!

Heere the Archbishop of Glasgow interrupted his speech, desiring him to deliver his mind in a greater calme, and with more reverent speeches of his Majestie (for he uttered those things in a vehement passion, and as one transported with fury); hee remembered him that hee was accused upon his life, before judges that were authorized by his Majesties commission: to decline the judgement, or raile against his Majesties authoritie was bootlesse, and in a man of his profession, being an Ecclesiasticke, very scandalous.

He should rather take another course to amend what he had offended in, and recall his former answeres, if they had not proceeded from a deliberate purpose: or if hee were resolute to maintaine them, to doe it with reason, and in a moderate sort: that this were his best, either for justifying himselfe, and the opinions he held, or for moving the judges, and their Lordships that were assisting, to commiserat his case: he advertised him withall to be more temperate in his speeches concerning his Majestie, otherwise he would not be licenced thus to offend.

To this, Ogilvie, made some little answere, that hee would take the advertisement, and speake more coldly: howbeit hee would never acknowledge the judgement, nor thinke they had power to sit on his life, but said, and for the reverence I doe you, to stand bare-headed before you, I let you know it is, *a redemptionem vexationis, et non ad agnitionem Judicii.*

The Advocate here insisted, that seeing all his answeres tended to decline the Judgement, and that hee brought no reason why the Inditement should not goe to a tryall, that the Jurie should be chosen and sworne at the Barre, according to the custom.

The Names of the Jurie

Sir George Elphinston, of Blythswood; Sir Thomas Boyd, of Boneshaw; Sir James Edmeston, of Duntraith, elder; James Murehead, of Lachope; James Roberton, of Ernock; Hew Crawfurd, of Jordane-hill; John Carschore, of that Ilk; Hew Kennedy, Prouest of Aire; William Makarrel, of Hill-house; James Blaire, Baylie of Aire; John Dunlop, of Powmilne; John Stewart, Burges of Aire; John Dunbar, Burges there; James Johnston, Burges there; John Cunningham, of Rawes.

It was allowed the prisoner to challenge any of the forenamed persons, and to oppose unto their admission: who said, he had but one exception for them all: they were

either enemies to his cause, or friendes: if enemies, they coulde not bee admitted upon his triall, and if they were his friends, they should stand prisoners at the Barre with him.

The Jurie, being knowne to be all discrete and substantiall persons, were instantly sworne and admitted.

Then was the Inditement read againe, in the hearing of the Jurie, and the evidences shewed them for verification thereof, which of before were produced. And the prisoner, beeing of new remembered to say what hee woulde for himselfe, for the better information of the Jurie, spake these things following:

I wish these Gentlemen to consider well what they doe. I cannot be tried nor judged by them, and whatsoever I suffer here it is by way of injurie, and not of judgment. *Injuria est, non judicium.* I am accused of treason, but have done none offence, neither will I begge mercy.

This is strange, sayeth the Archbishop, you have done none offence, and yet you are come in his Majesties Kindome, and hath laboured to pervert his Highnesse subjects: both of these are against the lawes: In this have ye not offended?

Not, he answereth, I came by commandement, and if I were even now foorth of the Kingdome, I should returne: neither do I repent any thing, but that I have not bene so busie as I should, in that which yee call perverting. I hope to come to Glasgow, againe, and to doe more good in it; if all the haires of mine head were priestes, they should all come into the Kingdome.

And doe you not, sayeth the Archbishop, esteeme it a fault to goe against the King his commandement, especially in this point of discharging you his Kingdome. If a King have any power within his Kingdome, it seems hee may rid himselfe and his countrey of those with whom he is offended; and it savours of great rebellion to say otherwise.

To this Ogilvie replyed, I am a subject as free, as the King is a King: he cannot discharge me, if I be not an

offender, which I am not, and beeing asked, for what offences he might be discharged by the King? answered, in the cases of theft and murther.

All this while, said the Archbishop, you come not to answere any thing to the points of your inditement.

Why did you decline his Majesties authoritie and refused to shew your opinion anent the Pope, his power in deposing Kings, and loosing subjects from their oath of allegeance? and when it was asked you, if it were lawful to slay the King, being deposed, and excommunicated by the Pope, which any loyall hearted subject will abhorre to thinke of, why did you not simply condemne it, as unlawfull? for in that you doe not condemne it, you shewe your selfe of the opinion of the rest of your sect, who in their bookes maintaine, that it is both lawfull and commendable to slay kings, if the Popes commission goe forth once for it.

For the declining of the Kings authoritie, sayeth he, I will doe it still in matters of religion: for with such matters hee hath nothing to doe: neither have I done any other thing, but that which the ministers did at Dundie: they would not acknowledge his Majesties authoritie in spiritual matters more than I, and the best ministers of the land are still of that minde, and if they be wise, will continue so.

The Archbishop replied, that he was mistaken, both in the place and matter: for it was not at Dundie, but Aberdein, where eight ministers, meeting to a generall assemblie, contended not against the Kings authoritie, but that the assemblie called to that place and time, could not be discharged by his Majesties Commissioner: neither should the fact of a few, taken at the worst, be esteemed the deed of the whole. These have been punished for their offences, and some of them have confessed their errour, and bene graciously pardoned by his Majestie. All good Ministers professe other-wise, and our Religion teacheth us to acknowledge his Majestie our onely supreame judge in all causes. The King is keeper of both Tables, and his

place beares him, not onely to the ruling of his subjects in justice, and preserving equitie amongst them; but even to maintaine Religion and Gods pure worship, of which he should have principal care. Your lord the Pope, hath not onely denyed this authoritie to Kings, which God giveth them, but usurpeth to himselfe a power of deposing and killing, when he is displeased; and it were the lesse to be regarded, if this his usurpation had gone no further then your pennes: but you have entred, by this pretended right, the throats of the greatest Kings, as your practice upon the two last Henries of France beares witnesse: You are not able to lay such imputation upon us, nor our profession, which teaches, that, next unto God Almightie, all men are bounde to feare, serve, and honour their Kinges. But what answere you, touching these demandes? Hath the Pope power to depose the King? Or is it not murther to kill him, being deposed by the Pope?

I refused of before, said hee, to answere such questions, because, in answering, I should acknowledge you Judges in controversies of Religion, which I doe not. I will not cast holy things to dogges.

And is it, said the Archbishop, a point of faith, that the Pope may depose his Majestie? or doe you thinke it a controversie in Religion, Whether his Majestie (whom God save) may be lawfully killed or not?

To this Ogilvie replied, it is a question amongst the Doctors of the Church, and many hold the affirmative not improbably: a council hath not yet determined the point: and if it shall bee concluded by the Church, that the Pope hath such power, I will give my life in defence of it, and if I had a thousand lives, I would bestowe them that way, if they will make an article of faith of it. Being urged to declare his owne opinion, especially in that point, whether it were murther, to kill his Majestie, being deposed by the Pope, he answered, that he would not say it were unlawfull though he should save his life by it. Then going on with

a long speech of the Pope his power, affirmed the King to be subject to him, by the vertue of Christes saying to Peter, *Pasce oves meas.*

That if the King offended against the catholicke church, the Pope might punish him as well as a shepheard or the poorest fellow in the countrey. That in abrogating the Popes authoritie the estates of Parliament had gone beyond thair limites, and that the King in usurping the Popes right, had lost his owne. *Nam qui rapit jus alienum*, sayeth he, *perdit jus ad suum.*

Beeing asked touching the oath of allegeance, why he did condemn it, and the samine being read unto him, he said, It was a dammable oath, against God, and his trueth, and that it was treason to sweare it; because it brought the Kings person and state in danger : since this kingdome, sayeth he, was Christian, the Popes supreme power was always acknowledged: this being cast off (as we see in the act of your Parliament) against all reason and conscience, and subjects forced to sweare to a matter so unlawfull, what marvell that attemptes and dangerous courses be taken against him. *Justissima lex est, ut quae agit aliquis, talia patiatur.* But would the King leave off his usurping upon the Pope, hee might live without feare, as well as the King of spaine, or any other Christian prince: and with this hee intermixed some speeches, of his owne service and the service of other Jesuits done to his Majestie, whereof he saide, Neither Bishop, nor Minister, nor all the Bishops and Ministers in his Majesties Kingdomes had done, or could doe the like.

The further hee proceeded in speaking, his speeches still grew to bee the more intollerable: therefore the Archbishop of Glasgow, willing him to make an ende, did close all with some wordes to the jurie, to this effect.

Gentlemen, and others, who are named upon this assise, though I minded to have said nothing, but sitten herre a witnesse to the proceeding, I have beene forced by his

proud and impudent speeches, somewhat to replie, and must with your patience say a little more. It is this same day, two and twentie weekes past, that this prisoner fell into mine handes: since that time hee hath had leasure to thinke enough what course was fittest for himselfe to take, for satisfying his Majestie, whome he had offended: neither hath hee lacked counsell and advise, the best that wee could give him. Besides, hee hath found on our parte nothing but courteous dealing, and better intertainement then (I must new say it) he hath deserved. Mine owne hopes were, that hee would have followed another course, then I see hee hath taken, and not stande to the answeres, which hee made to those demandes, which were moved unto him, by his Majesties commissioners, and you have come: But if his answeres at the first were treasonable, they are nowe so little bettered, as in all your hearinges, hee hath uttered speeches moste detestable, made a commentarie worse than the text was, and shewed himselfe to carrie the minde of an arrant and desperate tratour. You perceive, he obscures not his affection towardes the Kinges Majestie, our soveraigne, in all his speeches: preferring the Pope to his Majestie: And which is more intollerable, affirmeth the Kinges Majestie, to have lost the right of his Kingdome, by usurping upon the Pope. Hee will not say, it is unlawfull to Kill his Majestie: hee sayeth, it is treason for subjectes to sweare the oath of allegeance; and meaneth so much in his last wordes, as the Kinges Majesties life and estate cannot bee assured, except hee render himselfe the Popes Vassall.

Thus hath hee left you little to doe: except that his Majesties pleasure is, the ordinarie forme bee kept with him, you shoulde never neede once to remove: all his speeches have been so stuffed whit treason, that I am sure the patience of the Noblemen, and others heere present, hath beene much provoked.

In all that he hath said, I can marke but two things

alledged by him for the Popes authoritie over Kinges: the wordes of our saviour to Saint Peter, *Pasce oves meas*, Feede my sheepe: And the subjection of Kinges, especially of our Kinges, since the Kingdome became Christian, to the Pope: for the wordes of our Saviour, howe little they serve his purpose, I have no neede to tell you. To feede the sheepe of Christ, is not, I hope, to depose Kinges from their estates, nor to inflame the heartes of subjectes, against princes: much lesse to kill and dispatch them: Wee are better taught then to bee deceived with such glosses. Saint Peter made never that sense of these wordes, and teacheth us a farre other doctrine, in his first Epistle, fift chapter, and second and third verse.

I will not spend time with such purpose, onely this I must saye, that whatsoever was Saint Peters prerogative, the Pope of Rome hath nothing to doe with it: for he cannot bee saint Peters successour, that hath forsaken his doctrine, and gone against his practice directly, both in that and other points of Christian faith. I may justly say, that Master Ogilvie is not well seene in antiquitie, or then speaketh against his Knowledge, when hee saieth, that this power of the Pope was ever acknowledged by Christian Kinges: The Bishops of Rome, for many yeeres, made no such claime, neither did Emperours or Kinges ever dreame of such subjection: Long it was ere the Pope of Rome came to the height of commanding Kinges, and not till hee had oppressed the church, under the pretext of Saint Peters keyes, bearing downe all the Bishops within Christendome: Which having done, then hee made his invasion upon princes, and that by degrees. The Histories of all ages make this plaine, and the resisting hee found by Kinges in their Kingdomes, testifieth that they never acknowledged his superioritie. Of our owne, howbeit, as we lye farre from his seat, so had we lesse businesse and fewer occasions of contradiction: yet can I make it seene in divers particulars, when any question fell out anent the provision

of Bishops and Archbishops to their places, the Bulles of Rome were so little respected, as the Kinges predecessours have alwayes preferred and borne out their owne choice, and the interdictions made upon the Realme, by these occasions, not without seme imputation of weaknesse to the sea Apostolicke have beene recalled. The superstitions of Rome were amongst us last embraced, and with the first, by the mercies of God shaken off: Whatsoever you bragge of your Antiquitie, it is false, both in this and all the points of your profession else, which I coulde cleare, if tis time or place were fitting. But to you, of this Jurie, I have this only more to say, you are to inquire upon the veritie of the Inditement, whether such and such things as are alledged to bee committed by him, have beene so or not: you have his subscription, which hee acknowledgeth, you heare himselfe, and how hee hath most treasonably disavowed his Majesties authoritie: It concernes you onely to pronounce as you shall finde verified by the speeches that you have heard, and the testimonies produced. For the rest, the Justices knowe sufficiently what to doe, and will serve God and his Majestie, according to the commission given them.

Maister William Hay, Advocate for his Majestie, asked instrumentes upon the prisoners treasonable speeches, uttered in the hearing of the Jurie, and his ratification of the former answeres, made to his Majesties commissioners: likewise for the further clearing of the Inditement, repeated the Actes of Parliament mentioned in the saide Inditement, with the Act of Privie counsell, made anent his Majesties supremacie, and the oath of allegeance: And desired the Jurie deeply to weigh and consider the perverse and divelish disposition of the partie accused: To the effect they might, without scrupule proceede in his conviction. And according to his place, protested for wilfull errour, if they should acquite him of any point Contained in the saide Inditement.

(Verdict) The persons named upon the jurie, removed

to the higher house, which was prepared for them, and having elected Sir George Elphinstone, Chancellar, all in one voice found the prisoner GUILTIE of the whole treasonable crimes contained in the Inditement.

Which beeing reported by the saide Sir George Elphinstone, and confirmed by the whole jurie, then returned into the court, judgement was given, by direction of the Justices.

THAT THE SAIDE JOHN OGILVIE, for the treasons by him committed, SHOULD BEE HANGED AND QUARTERED.

The Archbishop of Glasgow demanded, if Ogilvie would say any thing else?

Ogilvie answered, No my lord, But I give your lordship thankes for your kindnesse, and will desire your hand.

The Archbishop said, If you shall acknowledge your faulte done to his Majestie, and crave God and Highnesse pardon, I will give you both hand and heart, for I wish you to die a good Christian.

Then Ogilvie asked, If hee should bee licenced to speake unto the people?

The Archbishop answered, If you will declare, that you suffer according to the Law, justly for your offence, and crave his Majestie pardon for your treasonable speeches, you shall be licenced to say what you please: otherwise you ought not to bee permitted.

Then saide he, God have mercie upon thee! And cryed alowd if there bee heere anie hidden catholikes, let them pray for me, but the Prayers of Heretickes, I will not have.

And so the court arose.

A TRUE RELATION OF SUCH THINGES

As passed at the Execution of John Ogilvie, upon the last day of Februarie, 1615, beeing Tuesday, in the afternoone.

After Judgement was given, by the space of some three houres, hee remained in the place where he was convicted,

having leasure graunted him prepare himselfe for death. Hee continued a while upon his knees at prayer, with a colde devotion: and when the houre of execution approached, his handes being tied by the executioner, his spirits were perceived much to faile him. In going towardes the scaffold, the throng of people was great, and he seemed much amazed, and when he was up, Master Robert Scot, and Master William Struthers Ministers, very gravely and christianly exhorted him to a humble acknowledgement of his offence, and if any thing troubled his mind, to disburthen his conscience. In matters of religion, they saide, they woulde not then enter, but prayed him to resolve and settle his minde, and seeke mercie and grace from God, through Jesus-Christ, in whom onely salutation is to bee found. Ogilvie answered, That he was prepared and resolved. Once he said, That he died for religion, but uttered this so weakly, as scarse he was heard by them that stood by upon the scaffold. Then addressing himselfe to execution, he kneeled at the ladder foot, et prayed. Master Robert Scot in that while, declaring to the people that his suffering was not for any matter of religion, but for haynous treason against his Majestie, which hee prayed God to forgive him. Ogilvie hearing this, saide, he doeth me wrong. One called John Abercrumbie, a man of little wit, replied "No matter, John, the moe wrongs, the better." This man was seene to attend him carefully, and was ever heard, asking of Ogilvie some token before his death, for which and other businesse he made with him, he was put off the scaffold.

Ogilvie ending his prayer, arose to goe up the ladder, but strength and courage, to the admiration of those who had seene him before, did quite forsake him: he trembled, and shaked saying he would fall, and could hardley bee helped up on the top of the ladder, hee kissed the Hangman, and said, *Maria, Mater gratiae, ora pro me, Omnes Angeli orate pro me, Omnes sancti, sanctaeque, orate pro*

me: but with so low a voice, that they which stood at the ladder foote, had some difficultie to heare him.

The Executioner willed him to commende his soule to God, pronouncing these wordes unto him, Say, John, Lord have mercy one mee, Lord receive my soule: which hee did, with such feeblenesse of voise, that scarcely hee could be heard: then was hee turned off, (his left foot for a space taking holde of the ladder, as a man unwilling to die) and hung till hee was dead. His quartering, according to the Judgement given, was for some respectes not used, and his body buried in a place that is kept for Malefactors.

This was the ende of that unhappie man, in whose death any man that had eyes, might see what a gracelesse and comforlesse Religion Poperie is: The power of Religion manifesteth itselfe chiefely in the houre of death: the sight of a reconciled God, the assurance and persuasion of favour through Christ, furnisheth spirite and boldnesse, and maketh a man willing to depart and quite this life: But Popish Religion teacheth uncertaintie of salvation, and leadeth a man to other saviours, who can neither helpe nor comfort, in the houre of death. What marvaile that men, who leane to such rotten unprofitable helpes, lacking, and disapointed of the assistance they hoped for, shewe a faint and cowardly minde at their last?

This onely I have further to advertise, that since his execution, wee have understood, by some persons who visited him at times during his imprisonment, that, amongst other his speeches with them, hee saide this, that if hee had escaped his apprehension at this time, and lived till Whitsondaynext, hee should have done that, which all the Bishops and Ministers, both in England and Scotland shoulde never have helped. And if hee might have lived at libertie unto that time, hee woulde willingly have beene drawne in peeces with horses, and have given his bodie to have beene tormented. Whereof what shall any man collect, but that this villane was about some desperate entreprise?

God, that in mercie hiterto detected and disapointed the malicious devices of the wicked against his church, continue with us his favour, and give us to depend stedfastly on his providence. And to all the enemies of God and the king, let it befall, which wee have seene upon this wicket and accursed person. Amen.

VIII

The Italian Narrative

This document is the translation of an Italian pamphlet which, according to Fr. James Forbes, is to be found in the Jesuit Archives. He says also that an incomplete copy exists in the Vallicelliana Library in Rome. The Italian was printed by Fr. James Forbes in the first edition of his life of John Ogilvie, but omitted without comment in the second.

The pamphlet professes to be based on letters received by the Rector of the Scots College. Internal evidence alone would show that it was based on hearsay report. It has, then, all the defects associated with records so compiled. It omits a great deal, and, by reason of the lacunae, sometimes suggests what is false. For instance, because it narrates the trial before the Privy Council in Edinburgh first, and the tortures afterwards, it reads as though the resolution to torture by the boots was arrived at as a result of that trial. We know from Archbishop Spottiswoode's letter (No. IV) that he asked for permission to use this form of torture long before the prisoner was taken to Edinburgh.

Those who supplied the information for this pamphlet would not, of course, be in a position to know the secrets of statesmen. All they could report was the common rumour of the city confirmed in some cases by what they saw and heard of the trials. It is possible, however, that either they or common rumour invented incidents to

satisfy their piety. Though this would be good evidence of the veneration in which Fr. Ogilvie was held, it would lessen the value of this document biographically.

But there is only one incident in the whole pamphlet which finds no parallel in other documents. To that I will return in a moment. All the others are such as occur elsewhere. The boots, the vigil, the arguments with Spottiswoode, are all to be found in documents of which there can be no reasonable suspicion. Of course, they get exaggerated in public opinion. The eight days and nine nights' vigil of the accounts of Spottiswoode and Ogilvie grow to fourteen days and nights when they have travelled from Edinburgh to Rome. Where the growth occurred we have no means of knowing. A more serious discrepancy occurs in the question of the boots. I have given elsewhere my reasons for believing that Ogilvie did not suffer this torture. The Italian pamphlet says quite plainly that he did. Fr. James Forbes, in his first edition, said that this torture was inflicted; in his second edition he had apparently changed his mind. Possibly he dropped the Italian narrative for that reason. But we have here no case of invention. Permission to use the boots was certainly obtained. The threat of them was certainly employed and, according to Ogilvie, they were, on at least two occasions, fitted to his leg. What could be easier than for public opinion to exaggerate this to the actual torture? These discrepancies, then, only verify the professed nature of the pamphlet; it represents the common opinion of the men of Edinburgh based on what they could see and hear of the proceedings.

This being granted, we can turn to that paragraph of this pamphlet which relates an incident not recorded elsewhere. I refer to the detailed account of the conversion of Fr. Ogilvie as given by himself to the Privy Council. On general grounds, then, I consider that this was reported from Edinburgh. It may be an attempt on the part of

one of his friends to describe what he had heard. It may be a speech based on what he knew to have taken place. In any case, it is probably exaggerated a little. I do not mean that they have put into Fr. Ogilvie's mouth statements he did not make, but that they have pruned his remarks and so added to the logical consistency of his speech. Exaggeration occurs more often thus than otherwise in reports.

But granted even that this speech is exceptional in the pamphlet, that it did not occur at Edinburgh, but was invented, what are we to make of its insertion? Here the date of the pamphlet is important. It is dated 1615 in the Archives. Moreover, it was written by the Rector of the Scots College, Rome, when he thought that Fr. Ogilvie was still alive. News of Ogilvie's death reached Rome between May 18, 1615, and June 11, 1615 (see p. 157), so that the pamphlet must have been written before the latter date. At this time the Rector of the Scots College was Fr. Anderson, who had been intimate with Ogilvie in France. It is not likely that he would have inserted in his pamphlet a statement which he knew to be false and on a matter of which he certainly had special knowledge. Whether, then, this speech be a true report or an invention, it is a true account of Fr. Ogilvie's approach to the Catholic Church, and for that alone I have used it.

An Account of the Arrest last March (1615) *in Scotland of Two Fathers of the Company of Jesus, Fr. James Moffet and Fr. John Ovilgie, based on various Letters sent to the Rector of the Scots College at Rome.*

While these two Fathers were labouring to confirm the faith of Catholics and to convert the heretics of Scotland, they were at last discovered and seized by the heretics.

Father John Ogilvie was arrested by the pseudo-Archbishop of Glasgow; the latter was challenged by the said

Father to debate on questions of faith and religion, and was full of wrath because he could not reply to the Father's arguments. Seeing, then, that his ignorance was exposed, he gave rein to his anger and twice struck Fr. Ogilvie on the cheek. His prisoner replied: "Gratias ago Domino meo quod in hoc Christi similis factus sum: tibi ignoscat Deus et deducat in verae fidei agnitionem."

Moreover, the Father was cast into prison, bound with chains, and kept there for some days. He was then taken to Edinburgh, the capital of Scotland, and cross-examined several times by the Privy Council of the realm.

He answered them with great moderation, courage, and restraint, protesting that for the Catholic and Roman faith he was ready to shed his blood a thousand times. He told them, too, that he had, for this purpose, left many countries where he could have dwelt in security and comfort, that he had welcomed the order of his superiors which sent him to Scotland, and that he had foreseen the dangers, difficulties, and discomforts to be encountered.

He begged the Lords of the Council to remember that he had been brought up in Scotland to believe Calvinism to be the true religion, but that, being guided by God to leave his own country for a time and to go abroad, he had chanced to consult various learned men in Italy, France, and Germany as to the true faith and religion. In consequence thereof his soul had become sick with anxiety and interior doubts concerning this matter, for he could not tell which, amongst the great varieties of religious bodies he saw in Europe, was the true one, and he resolved at last to leave the matter to God, for the disputes rendered the subject daily more complicated and perplexed. In taking this step he had relied on those texts of the Sacred Scriptures which tell us *Deus vult omnes homines salvos fieri et in agnitionem veritatis venire*, and *Venite ad me omnes qui laboratis et onerati estis et ego reficiam vos, et invenietis requiem animabus vestris.*

After long deliberation, he had come to see that every probability of evidence and rational motive led to a reception of the Catholic religion which they called Papistry. There were to be found numbers of all classes, emperors, kings, princes, and many other noblemen; there was the unity of the faith which had ever been most marked in the Roman Church; antiquity, unbroken succession, sincere and perfect virtue shown in despising the world and shown by its members of every rank and class, a multitude of miracles wrought in testimony of the Roman faith, a multitude of very learned men who had defended and still did daily defend that Roman faith; and in these last times there were unnumbered hosts of holy martyrs who had died in its defence.

On the other hand, he had realised that the Scottish ministers could not claim for their religion either antiquity or succession; they could not bring evidence either of miracles or unity, nor could they urge its reception for motives worthy of a wise man nor by appeal to their Bible, which was indeed on many counts far different from the true text.

For these reasons, then, he had made up his mind to embrace the Roman Catholic faith, and was prepared by God's help to defend it, not only with his tongue, but with his blood, reckoning no worldly honour equal to that of suffering and dying in defence of the Roman Church.

This, then, was the statement made by Fr. Ogilvie to the Lords of the Privy Council, and, being asked at what age he had left Scotland, he told them that he did so with the consent of his father and the approval of his friends. Further, he gave them the information they demanded as to the countries in which he had studied, the years which he had passed in each, and other details of similar nature.

He was sent back to prison, bound with chains and loaded with iron fetters. The ministers and the pseudo-Archbishop, because they had been confuted before the Privy

Council, decided to ask the King that the prisoner might be tortured sufficiently to discover the Catholics to whom he had administered the sacraments. When the King's order came the good Father was condemned to a species of torture called in Scotland the "boots," by which the legs and arms are so compressed that the blood, and even the marrow, is driven out with the bitterest suffering.

Whilst Fr. Ogilvie underwent this torture, those Judges who were ministers were amazed at his patience, for amongst these bitter torments his only and repeated cry was: "Domine Jesu, da ut fidelis tibi inveniar cui credidi; ignosce illis quia nesciunt quid faciunt."

The heretics were much moved by the Father's noble patience, and when they saw that they could not obtain their desire in this way, but heard him praying for them, they liberated him for a time.

As the repute of the Father's constancy spread through the city and through Scotland, the Catholics were rejoiced beyond measure, and even many heretics were moved to consider the Father's arguments concerning religion. These heretics were so drawn by his courage to the Catholic faith that they obtained instruction in it.

After some days of recovery had been conceded to the Father, he was again brought before the Privy Council and asked several questions relative to the authority of the Supreme Pontiff. He answered always that he was ready to shed his blood in defence of that authority as for any other article of the Catholic creed.

He was sent back to prison and then, by the desire of the pseudo-Archbishop of Glasgow and the express command of the King, he was again tormented in order that he might reveal the heretics whom he had reconciled to our holy faith. There were many of these who had been deeply moved by the courage and constancy of the Father. In order that it might be easier to learn this from his lips, they devised tortures such that he should be unable to sleep,

and so, when his mental powers were unbalanced and his judgement benumbed, he might reveal the names of his converts. For this end they stabbed the more tender parts of his frame with sharp irons, they put fire to the soles of his feet, they forced needles under his finger-nails; these tortures were kept up for fourteen days and nights, and, in the midst of the atrocities, the Father looked up to heaven and invoked the divine aid with the prayer: *Domine Jesu, da patientiam et auge dolorem.* Once again the heretics were astounded by his great courage and constancy; although the violence and protraction of torment did disturb his mind and though it unbalanced his judgement, he did not reveal the name of a single Catholic, but disputed even with the heretics, his torturers, and made the most sweet colloquies with the Almighty; so strong was his habit of living with God and so burning his zeal to convert the heretics.

When the torture was ended he was sent back to prison, where he was visited by a great number of young men from the University of the capital.

His many and devout sermons, his arguments, but chiefly his courageous endurance, moved some of these students to leave their own country that they might find opportunity to be reconciled to the Catholic Church.

The good feeling between secular and religious priests in Scotland has always been very marked, and particularly has it been shown to those of our company, so that there has scarce been one priest, religious or secular, who has written against the Apostolic See or who has upheld any schism against it or against the Roman Church. On this account many good secular priests showed great anxiety to aid and console Fr. Ogilvie, who received them with the most cordial welcome. He told them that his sorrow was greater for the fewness of Catholics than for his own chains and sufferings; he saw that the poor Catholics of Scotland were without any spiritual aid, being set like

sheep in the midst of wolves, and lamented it particularly because these poor men were numerous, and those heretics who were well disposed towards our holy faith were even more so. It is sad indeed to think how many young men of good understanding and parts, who set out from Scotland to receive our faith, arrive in France, the nearest country, with no place to go to, and are therefore obliged to make friends with heretic Frenchmen by whom they are welcomed and soon confirmed in their heresy. Such young men become ministers and preachers of Calvinism, and even masters in the schools of the Scottish ministers who are to be found all over France. This is what they expected of Fr. John Ogilvie, of whom they say now that he has been condemned to death and martyrdom.

Fr. James Moffet, after working in different places, was arrested at St Andrews in the house of his younger brother, whom he had tried to convert to our holy faith. Though the brother tried to conceal the good Father, he was not able to save him from discovery. When the pseudo-Archbishop of St Andrews heard of Fr. Moffet's arrival, he sent his own son to the younger brother's house and arrested the Father as he was catechising the members of the household. Fr. Moffet was taken direct to the pseudo-Archbishop, who made much of him out of consideration for his brother. Thence the prisoner was taken to Edinburgh and examined by the Privy Council, who sent him back to prison, to chains and fetters, as was done with Fr. Ogilvie. The pseudo-Archbishop's son who had effected the arrest posted to London to see the King, taking with him some *Agnus Dei* and medals which he had taken from Fr. Moffet. He hoped to obtain a royal reward for the capture of a Jesuit, but was disappointed, for the King gave him nothing. A Scottish gentleman named Auchmuty, who had received many proofs of friendship from Fr. Moffet in Rome, had informed the King that Fr. James was not the man to interfere in matters of State or matters

affecting the King's Majesty, and that he had heard him speak of the King with great moderation, and even with affection.

This pleased the King exceedingly, so that he was about to give orders that Fr. Moffet should be sent into exile without being tortured (although we have not discovered in detail what sort of tortures he has suffered).*

. . . . . .

and thus it happened, either because the good Father, when banishment was offered him, chose rather to suffer torture for the defence of Holy Faith and would not be deprived of this honour, or else because, having heard that Fr. John Ogilvie had been already condemned to death for the defence of Holy Church (as went the current report), he in turn, and in hope of so glorious a reward, has perhaps provoked and annoyed the heretic ministers and pseudo-Archbishop against himself.

This is as much as has been learned of these, our Fathers, up to the present.

IX

Of the Family and Early Life of John Ogilvie

The evidence for the parentage of John Ogilvie has been discussed elaborately by Fr. James Forbes in the second edition of his biography, which is entitled *Jean Ogilvie Ecossais Jésuite*. It will be sufficient to give a summary of his arguments.

On entering the Jesuit noviciate each candidate inscribed his name in the register called the *Examen Candidatorum*. Ogilvie did this at Brunn, and Schmidt, the historian of the Austrian Province of the Jesuits, who had seen the book, says that Ogilvie subscribed himself *strachilensis*. In the orthography of the sixteenth century this would

* A line appears to have been omitted at this point in Fr. James Forbes's transcription.

be indistinguishable from *strathilensis*. Ogilvie, therefore, described himself in the register-Latin as coming from Strath-Isla. His family, then, must be sought in that seventeen-mile long valley of Banffshire.

Pitcairn, who copied from a pamphlet contemporary to the trial, says that in October, 1614, Ogilvie deposed in writing and on oath that he was the son of Walter Ogilvie of Drum. Sinclair, the Scottish advocate, who gave careful testimony before the 1629 commission, says that he had learnt from the Franciscan Father Ogilvie, a friend of the Jesuit, and from others, that John Ogilvie was the legitimate son of noble parents. In the *Relatio Incarcerationis* Ogilvie himself reports his own reply to Andrew Knox: " I am the first-born of my father, and even though I knew no letters I could take a noble's place." His family, then, was noble and lived in Strath-Isla, while his father could be referred to as Walter of Drum.

In Strath-Isla there were only two noble estates of which the names begin with Drum—Drummuir and Drum-na-Keith. The former (in the sixteenth century) was never owned by an Ogilvie. The latter, however, appears in the early sixteenth century as the title of the eldest son of the Ogilvie who was laird of Findlater. In 1545, however, by Acts under warranty of the Great Seal of Scotland, the then laird confirmed to his son, James, the barony of Cardale, but alienated to one of the Gordons all the family properties in Banffshire, including Drum-na-Keith. This son, James, referred to afterwards as James of Cardale, tried to regain his full inheritance. He was Comptroller of Mary Stuart's Household in France and in Scotland, and was the friend of Mary's half-brother, Moray. With the latter's help he secured, in 1563, a Charter from the Queen which annulled the acts of his father and restored him to the lands and baronies of Ogilvie, of Findlater, Deskford, and Drum-na-Keith. This Charter ratified existing facts, for possession of these lands had already

been secured for him by Moray. He used henceforth—and, indeed, had occasionally used before this—the title of laird of Findlater.

Alexander, the son of this James Ogilvie of Cardale or Findlater, died before his father, and left a son, Walter, who was recognised by Charter of May 8, 1567, as the heir presumptive of his grandfather and "tutor." He received the freedom of Aberdeen, and was already a knight in 1582. He had succeeded to the family estates in 1587, for an Act of Parliament of July 27 in that year mentions the death of his grandfather, and sanctions a family arrangement of land between this Walter Ogilvie and the house of Huntly.

If, then, we assume that this Walter Ogilvie during the lifetime of his grandfather used the title "Drum-na-Keith," which was the normal title of the heir of the house, he, and he alone, could have been the father of John Ogilvie, the Jesuit.

The evidence against this parentage is very slight. Calderwood states that Ogilvie was the son of Walter Ogilvie of Drummuir. This estate was not, during the sixteenth century, owned by an Ogilvie, and Calderwood may easily have expanded the prisoner's "Drum" into the full name of a place near to, but not identical with, the prisoner's birthplace.

The other evidence dates from 1673, and is a letter from Fr. George Johnston to Fr. William Leslie. It states that Fr. John Ogilvie was the brother of "Miltowne" Ogilvie who was still living near Keith. Milton is certainly an estate near Keith, and was then held by an Ogilvie, but the lairds of Milton had never owned an estate which could be referred to as "Drum," nor had any Walter Ogilvie ever owned Milton. There were two or three other Ogilvies, and even John Ogilvies, in the Society of Jesus in the seventeenth century, and it would be easy enough for Fr. Johnston to confound two of them.

The last evidence against this parentage is one of omission. None of the peerages record a son of Walter Ogilvie older than the James who succeeded his father in 1624. This evidence is scarcely important; not only are there many errors in these peerages, but Ogilvie's death as a traitor would be sufficient excuse to expunge his name from the records of a family noted for their loyalty to the Crown.

The date of Ogilvie's birth is fixed by the *Examen Candidatorum* of the Novice House at Brunn and by a list of the members of the Society drawn up in 1609. The book gives Ogilvie's age as twenty and the list as thirty. As he entered the noviciate towards the end of 1599, both these agree to fix the year of his birth as 1579.

He was sent abroad in 1592, for, at his trial (October, 1614), he said that he had been out of the country twenty-two years. He was received into the Scots College at Douai in 1596, according to the entry in their register.

These facts must be grasped before the question of Ogilvie's early education is determined. Fr. Forbes, in the first edition of his biography, asserts, on the evidence of the Italian pamphlet, that Ogilvie was brought up as a Calvinist. In the second edition he omits the Italian pamphlet from his documents and asserts that Ogilvie was brought up as a Catholic by his mother and sent to the Scots College at Douai by her. The rejection of the Italian pamphlet would appear to have been caused because it had misled Fr. Forbes on the question of the torture of the boots. But, putting on one side the evidence of this pamphlet and its value, the other evidence for a Calvinist upbringing of John Ogilvie seems conclusive. Cornelius à Lapide spoke of John Ogilvie in 1616 as his "catechumen," and already this word was being used in Europe chiefly of converts from Protestantism. More still, Fr. Creighton, the Rector of the Scots College, made up a register of his college in July, 1598, when he was

resigning the charge. He then wrote under the date 1596: *Joannes Ogilby ex Calviniano factus Catholicus ut exonaretur seminarium missus est* 27 *June* 1598 *ad monasterium Scotorum Ratisbonae*. I have already (p. 149) given my reasons for believing that this entry refers to the future martyr. But Creighton was not careless in his remarks about the religion of his pupils. He states, in other instances, when they refused to become Catholics and when they were Catholics already. There would seem, then, to be no doubt that Ogilvie became a Catholic only in the year 1596, and that he had before this been a Calvinist. In that case, his family must have brought him up in the Calvinist belief, which fits well with what is known of his father's career. It accounts, too, for the four years which elapsed between his leaving Scotland and his entry to the Scots College. Had his parents intended him to proceed there it is scarcely conceivable that they would have first sent him, a boy of thirteen, on a tour of France or Europe for four years. On the other hand, it was customary enough at this time—especially in view of the disturbed state of Scotland—to send boys abroad to travel with a tutor of the parent's religious persuasion, and so to obtain their education. This reading of the events is confirmed by subsequent happenings. Had Ogilvie's reception into the Catholic Church been not displeasing to his parents they would have provided somewhat for his education. It is almost certain, however, that Ogilvie was supported at Olmütz by a Papal or Episcopal grant, if not at the entire expense of the Jesuit Fathers themselves. It is scarcely likely that they did so if the parents were willing, as they were able, to support the young man.

X

Of the Torture of the Boots

In his study, *Martyre de Jean Ogilvie*, Fr. James Forbes concludes that it is certain that Ogilvie suffered this torture, and that it was imposed on him at Glasgow. It is with great diffidence that anyone can differ from a conclusion based so strictly on documentary evidence, but I venture to think that in this case the author was mistaken.

He quotes the description of the apparatus of the "boot" as given by Thomas Moore in the *Short Account of Scotland:* "It is formed of four splints bound together, of the length of the leg, much like what is put round a young tree to protect it, a wedge of iron inserted between the splints, and driven in by sheer force with a hammer, crushes the limb as if to break it, and often makes the marrow spirt out of the bone." It is quite clear that this description agrees well with the description of one of the witnesses (John Mayne) in the process of canonisation (see p. 298): ". . . Cum pertica ferrea oneraretur, quam alteri crurum circulo ferreo alligabant, et tibiam constringerent. . . ."

This witness, then, does describe the fitting on of the apparatus of the boot.

It is quite certain also that Spottiswoode applied to the King for permission to use it. His letter, dated October 15, 1614, asks, "Will Your Majesty give orders for the examination to be continued in the greatest secrecy, and, if Ogilvie refuses to speak, for the application of the boots or other tortures?"

Seemingly the King gave the necessary permission, for Ogilvie, in his *Relatio Incarcerationis*, tells us that while still at Glasgow, the King's order to that effect arrived: "ocrearum crurifragio iubeor examinari." This in itself, however, is not certain evidence of the King's permission, but only of the statement of the gaolers. The threat of

the boots might be used even though the King forbade the real use of them. At any rate, Ogilvie does not say anything of that use, but tells us that after he had arrived at Edinburgh, this threat was made every day: "Ocreae crurifragiales afferuntur; minantur extrema quotidie," which sounds as though the threats were not then carried out.

Fr. James Forbes, however, relies not on the *Relatio Incarcerationis*, but on the depositions of the witnesses in the process of beatification. He instances (1) the deposition of Sinclair:

"Scio bene ipsum non solum patienter et consolanter sed cum maxima fortitudine et gaudio tolerasse, ob amorem Dei omnes incommoditates et dolores."

(2) The deposition of Mayne, which runs:

". . . et ut hinc alia colligantur, cum semel pertica ferrea oneraretur quam alteri crurum circulo ferreo alligabant, et tibiam rigide constringerent ipseque martyr inde dolorem aliquem sensuum expressisset, ac subinferret Baro Mentos non prius cessaturos, quam ipsammet ollam* effractis ossibus extorquerent; continuo exporrecta tibia monuit ut extrema quaevis furoris tentarent, se omnia ferre paratum."

3. The direct account of the torture and of the cry of Ogilvie:

"Domine Jesu da ut fidelis tibi inveniar cui credidi, ignosce illis quia nesciunt quid faciunt";

which account Fr. Forbes' footnote gives as in the deposition of Mayne.

The evidence (3) which is most direct does not, however, come from the deposition of John Mayne, but from the Italian pamphlet, and its reliability is neither less nor more than that of the document as a whole. It is, at best, hear-

* This reading also occurs in the MSS. of the Beatification process. Professor Phillimore suggested the emendation *ipsam medullam*.

say evidence. The evidence (1) does not refer at all to the torture of the boot. A mere reference to the context (p. 275) shows this. In explaining the sources of his knowledge, Sinclair refers to Ogilvie's custodians and the doctors who watched him during the enforced vigil. It is, therefore, a reference to that vigil which was described in the sixth answer. It is no evidence as to the torture of the boot.

The evidence (2) needs careful examination, which I will come to in a moment. I want, now, to emphasise that Fr. Forbes's proofs reduce themselves to this statement by an eye-witness of the trials and to the anonymous and hearsay evidence of the Italian pamphlet. Both these sources seem to place the scene they describe in Edinburgh rather than in Glasgow. The Italian pamphlet deals in detail only with the Edinburgh scenes. After one paragraph, describing Ogilvie's seizure by Spottiswoode and imprisonment, it says: "fa poi di la condotto alla citta principale di Scozia chiamata Edinburgo," and the account which follows does not mention his return. Even though this is merely an omission, the description of the enforced vigil, which certainly took place at Edinburgh *after* the description of the torture of the boot, implies that the latter also took place in Edinburgh.

Mayne gives no clear evidence of the place of the scene which he describes. But in answering the sixth question (as to his knowledge of the imprisonment and sufferings of Ogilvie), he describes the Jesuit in Glasgow before December as merely in prison

"Detentum fuisse in carcere";

and after his return from Edinburgh to Glasgow as again in prison and held down by heavy chains:

"Exeunte mense Decembris ad praedictum carcerem reduci eum vidit, ubi mansit usque ad diem martyrii, gravibus pressus ferri ponderibus."

In contradistinction to these two sojourns he places the month in Edinburgh when Ogilvie suffered "various tortures":

"Ad supremum Regni tribunal Edimburgi, ineunte Decembri, a dicto Archiepiscopo deduceretur, unde *post varios cruciatus*. . . ."

Mayne's evidence would seem, then, to confirm that of the Italian pamphlet as to the place of torture. If Ogilvie suffered the boot he suffered it at Edinburgh.

But Fr. Forbes sees a great difficulty in accepting this. After the enforced vigil Ogilvie was brought before his judges, and they drew his attention to their clemency in using the torture of sleeplessness rather than of the boot. Ogilvie enters this in his *Relatio* without comment, and as Fr. Forbes rightly sees, this confirms the truthfulness of their claim. There is, indeed, an even stronger confirmation which Fr. Forbes has not noted. Ogilvie replied at once to his judges, and in his reply assumed the truth of their claim. "If they had used the boot . . ."

"Si crurifragio examinassent. . . ."

Fr. Forbes concludes from this that the examination by the boot took place in Glasgow, and so the judges at Edinburgh were justified in their claim. This solution rather increases than diminishes the difficulty. It overlooks the fact that many of the judges (notably Spottiswoode) were the same at Edinburgh as at Glasgow, and that in any case they were acting in both places in the King's name. A prisoner would not be likely to accept so specious a claim if his leg had *already* been broken by the boot—as Fr. Forbes would have us believe. It overlooks the fact that when Ogilvie left Glasgow he rode through the streets at a smart pace, or, to quote the words of the *Relatio*, "equum per plateas alacris ago." If Ogilvie had recently suffered the boot (and we must remember that the time between the arrival of the King's authorisation and the departure

from Glasgow was only a few weeks), it would have been not only painful but impossible for him to achieve this feat.

There is another solution which Fr. Forbes has not considered, but which I have accepted in the text—that though the gaolers threatened Ogilvie with the boot, and even fitted it to his leg, they did not proceed to the final torture.

With this solution the evidence of Mayne and of the *Relatio* is in full accord. It was threatened at Glasgow: " ocrearum crurifragio iubeor examinari." The threat was repeated at Edinburgh, and here the instruments were brought into the prison: " Ocreae crurifragiales afferuntur; minantur extrema quotidie." The scene described by Mayne took place, as his evidence suggests, in Edinburgh. A careful examination of his evidence shows what took place. The boot is fitted on to one leg " quam alteri crurum circulo ferreo alligabant "; Ogilvie feels the first shock of pain " tibiam rigide constringerent "; he shows the signs of suffering " ipseque martyr inde dolorem aliquem sensuum expressisset "; then a noble standing by threatens that they will force the marrow from the bone unless he surrenders to their wish " quam ipsam medullam effractis ossibus extorquerent "; at once Ogilvie stretches out his leg and advises them to go to the extreme limit of their fury, for he is ready, " continuo exporrecta tibia monuit ut extrema quaevis furoris tentarent, se omnia ferre paratum." Mayne says nothing of the completion of the torture; he is not attempting even to suggest it, for the question he is answering is not concerned with the torture, but with the manner of Ogilvie when faced with torture, with the readiness of Ogilvie to endure it. Surely if the leg had been broken Mayne would say something of Ogilvie after the torture had been completed. This explanation, then, satisfies the evidence of Mayne and satisfies, also, the evidence of the second examination at Edinburgh, when Ogilvie accepted the judges' statement that they

had not applied the boot. It is also consistent with Spottiswoode's account of the trial. Fr. Forbes remarks on his omission to mention this torture, and assumes it was done in order to put himself in a better light with the people. This explanation is not satisfactory. Spottiswoode had no objection to mentioning the torture of the enforced vigil; he made no apology for it, and probably believed that he was justified in using it. He accepted torture as a judicial instrument, and would not have been ashamed to say that he had used it. Nor does the question of popularity explain his silence. By the evidence of all the witnesses Ogilvie's enforced vigil was famous throughout Scotland. It gained him much support and many new adherents. Spottiswoode must have known this, but does not for that reason omit to state his part in inflicting the torture. The same would be true of the torture of the boot, had it taken place either in Glasgow or in Edinburgh.

There remains, then, but one source of evidence to deal with—the Italian pamphlet. This states definitely that Ogilvie suffered the torture of the boot, and can only mean to place it during his imprisonment in Edinburgh. There are only two possible positions: either (1) Ogilvie suffered the boot at Glasgow before coming to Edinburgh; or (2) Ogilvie did not suffer the boot at all, though it was fixed on his leg and he realised its pain at Edinburgh. The Italian narrative contradicts both solutions: it contradicts the first by placing the torture at Edinburgh; it contradicts the second by saying that the torture was carried out completely. It is quite clear that this narrative is based partly on hearsay evidence. It includes many facts which we know from other sources, but is inaccurate in details. It describes, for instance, the enforced vigil, but exaggerates its duration (as a hearsay account would) to fourteen days and nights. But it is also clear that this pamphlet is more strictly contemporary than any other

which we have. The accounts of which it is compiled were written probably before Ogilvie returned to Glasgow—certainly before his death. They are, therefore, more contemporary than either the *Relatio* or the True Relation. Such accounts would scarcely be likely to err in the question of places. They were probably written in Edinburgh, and would not ascribe to that city events which took place elsewhere. On the other hand, accounts like this might easily exaggerate incidents which did occur at Edinburgh. A man who heard that the "boots" had been taken down to Ogilvie's prison, who saw, or heard that another had seen, them fitted on to the prisoner's leg, might well announce that the torture of the boot had been applied. It may be that he had no time to verify his statement; it may be that it never occurred to him to doubt that the judges would proceed to extremities. Mayne on oath would not state as a fact more than he knew by evidence; the writers of the accounts from which the Italian pamphlet was compiled made deductions which no doubt they believed to be sound, but which may quite well be false.

The evidence, then, of the Italian pamphlet accords with the solution I have suggested rather better than with that of Fr. Forbes. All the documents therefore would seem to point to the same conclusion—at Glasgow Fr. Ogilvie was threatened with the boots, at Edinburgh they were fitted to one leg and the gaolers prepared to proceed, but when Ogilvie showed no sign of weakening the judges ordered the apparatus to be removed.

I reached this conclusion on the evidence I have quoted hitherto, but I found a curious confirmation of it in looking at another letter of Ogilvie's which is printed by Fr. Forbes. A week before his execution Ogilvie wrote Ferdinand Alberi, then General of the Society of Jesus, and who, as Provincial of the Austrian Province, had received him into that Society. He commends to his General both the *Relatio* he has written and John Mayne to whom he has

entrusted it. At the end of the letter, which was written in haste and secrecy, he adds,

"tortus semel, vigilio 9 noctium et 8 dierum nunc expecto secundam torturam—et post mortem. . . ."

"Tortus semel, vigilio. . . ." Would Ogilvie have forgotten the boots?

XI

Transcription of the Letter Reproduced Opposite

Exemplar litterarum B. P. Joannis Ogilbei Scoti Societatis Jesu, ab ipso Scriptarum ex Carcere Glascoviae in Scotia ad R. P. Ferdinandum Alberium, Societatis Vicarium Generalem, 22 Feb., 1615.

Reverende Pater in Christo,

Pax Christi. Quo in statu sim mi Pater ex harum latore D. Joannis Main R. V. facile cognoscet. Capitale est deprehendi scribere, ideo priusquam custos redeat est properandum. Reverentia vestra me primo Provincialis Austriae in Societatem assumpsit; et ideo confidentius, filios meos in Christo Reverentiae Vestrae tamquam avo suo commendo. Quare si hic D. Joannis Main indigueret Reverentiae vestrae opera, reperiat quaeso in optimo Ferdinando Germanae Charitatis patrem. Partem aliquam eorum quae ego expertus sum scripsi, et misi ad harum latorem; petat ergo si lubet illa pro annalibus puncta et quid cum ipsis egerit. . . Me Precibus Reverentiae Vestrae commendo. Datum Glascoviensi e carceri in quo ducentis librarum ferri onustus jaceo mortem expecto nisi oblata cum Regis gratia acceperem; hoc est praeposituram opimam et fidem abiurem. Tortus semel vigilio 9 noctium et 8 dierum, nunc expecto 2am torturam, et . . . post mortem. . . . Vigil aderit 22 Feb., 1615.

Reverentiae vestrae in Christo servus,

Joannes Ogilbeus, *Societatis Jesu.*

REPRODUCTION OF FR. OGILVIE'S LETTER TO FR. ALBERI

facc p. 248.

[This letter is printed in Fr. James Forbes's *Jean Ogilvie*, second edition, p. 272, but the transcription seems wrong in a few places. A translation of it appears in the *Collections towards illustrating the Biography of the Scotch, English, and Irish Members, S.J.*, of 1838, but here again the author was working on a slightly erroneous transcription. My translation of it is embodied in the text of Chapter XI, p. 127.]

The letter which is reproduced and transcribed opposite is amongst the MSS. at Stonyhurst. Clearly more than one person has been at work, so we must try to separate them. The insertion of *Soctis. Vicarius Generalis* in the third line and the date, 1615, Feb. 22, at the top are obviously the work of comparatively modern librarians. These we can neglect. The handwriting of the superscription is slightly larger, save for the words *ad R. P. Ferdm. Alberium*, than that of the letter itself. Both handwritings, however, seem to me to belong to the sixteenth or seventeenth century, and the difference of size in such a case is not conclusive evidence of different writers. When we look at the letter proper, however, we are struck by the fact that in the second line there is a correction of *colliget* to *cognoscet*. As the words are written there is no similarity whatever between them; the one could not be mistaken for the other. This, therefore, would not be the error of a copyist, but of a man who was choosing his Latin expression for himself.

I am led, then, by this to think that we have here an autograph letter by Ogilvie. Against such a (desired) conclusion stands the superscription, where we are told that this is *exemplar litterarum—i.e.*, (usually) a copy of a letter. On turning, however, to the process of beatification I find that both Mayne and Hegat produced letters which are referred to as *exemplar litterarum*. After that of Mayne's there was (p. 300) the sealed statement: "I, William Lesly, am presently a witness of the fact that this testimony is in the handwriting of the aforesaid Fr. John

Ogilvie." In this case, then, *Exemplar* was used of an autograph letter. Assuming that the person who wrote (in the seventeenth century) *exemplar litterarum* over the letter here reproduced was an ecclesiastic, we may believe that he used Latin in much the same way as did the notary of Würzburg in 1628. He also, then, might write *exemplar litterarum* when he meant to inform us that this was a letter by Ogilvie himself.

XII

The Portraits

There are two paintings extant which profess to be portraits of Ogilvie. The one (No. 1) is in the possession of the Jesuits at Rome, and came from their Scots College in the city. In some respects it bears a family resemblance to other portraits painted there in the seventeenth century, but the hands, the nose, and the eyes seem to be more remarkable than is usual in such portraits. The other (No. 2) is preserved in the church of St Gilles, Pecquincourt, Nord, France. It is obviously less generic. The face is broader than seventeenth-century portraits usually show, the beard more natural. The fine hands and eyes and the heavy nose reappear, and the colouring is slightly reddish. One can easily believe that the subject was a Scotsman.

THE ROMAN COLLEGE PORTRAIT

XIII

Of Subsidiary Evidence

In this section I give translations of two pieces of evidence which do not, to my thinking, rank with those already noticed. The first is the evidence of Fr. James Browne of the Society of Jesus. It was written at Douai on February 23, 1672, by that priest, and his signature is attested by "Thomas Dobaeus e Societate Jesu Sacerdos." It now rests at St Mary's College, Blairs, to the courtesy of whose librarian I owe the copy I have used. As will be seen, Fr. Browne professes to relate in 1672 a description given by his father in 1638. John Browne, of Logh Hill, the father, was undoubtedly a man of worth and character, so when he assures us he was present at Ogilvie's martyrdom, we may well believe him. Nay more, we can believe his general outline of the events of that scene, particularly of the part which he himself played therein. Had Fr. Browne written the record in 1638 we should have a piece of evidence more valuable in some ways than that which Hegate and Mayne gave in the process of beatification. Unfortunately, Fr. Browne waited thirty-four years before he committed his father's story to writing. He does not tell us that he obtained confirmation of the events from anyone else, or that he had any notes to which to refer; I am afraid we must say that the value of this evidence depends to some extent on the faithfulness of Fr. Browne's memory of a conversation. When I have said that I have really said all that can be objected against this evidence. We should expect from this consideration that the details of the incident might be inaccurate, though the general trend would, in view of the character of the narrator, be faithfully set forth. We do, indeed, find that Fr. Browne

makes the minister offer Ogilvie on the scaffold the Archbishop's daughter to wife, while we know very well that Spottiswoode's only legitimate daughter was at this time safely married already. That detail, then, is false. Had this flaw been discovered in evidence directly due to an eye-witness of the scene we might well discredit the document; the very fact that it has passed through the memory of a second person makes the flaw less damaging. It would be easy for Fr. Browne unconsciously to particularise a somewhat vague statement made by his father in the course of a verbal description.

We have, then, some rough rules by which we can measure the evidential value of this account. The character of John Brown makes it certain that he was not romancing in 1638, and his friendship with Ogilvie, as well as his presence at the execution, makes the account which he gave in 1638 of supreme importance. Unfortunately, we no longer possess it, but the character of Fr. James Browne is sufficient guarantee that his notes of 1672 are not consciously fabricated. Furthermore, we may remember in passing that this account is sufficiently dissimilar from those of 1616, 1628, and 1629 to assure us that it comes from an independent source; it is, however, consistent with each of them, and so shows that the original account of John Browne has been largely preserved. Where, then, it gives an impression of a series of events, we may trust the actual outline even though we do not accept the individual statements recorded. It is an added and independent testimony to the fact that a contemporary educated Catholic eye-witness with full knowledge of the charges against Ogilvie, with full understanding of the difference between martyrdom and political punishment, thought that Ogilvie was done to death on the score of religion only, and that those who sentenced him did so on these grounds.

With regard to the second document little need be said. It is the translation of the account which Jean de Eckers-

dorff made late in life to Fr. Boleslas Balbinus of the Society of Jesus. It is quoted by Fr. James Forbes from Balbinus' *Histoire de la Bohême*. I do not use it to prove that Ogilvie died for his religion. Even though Eckersdorff thought so in later life, I am afraid that the opinions of a convert as to his former religious experiences must always be discounted. But it is good evidence to show that the Catholics in Glasgow on the day of execution treated Ogilvie as a martyr and believed, therefore, that he died for religion; and the opinion of the man in the street is never without value.

ACCOUNT OF MR. JOHN BROWNE OF LOGH HILL

On the night before the martyrdom of the venerable Fr. John Ogilvie, that worthy gentleman Mr. John Browne of Logh-hill, father of Fr. James Browne of the Society of Jesus, made a visit of piety to the prison. He promised that he would arrange a sure path of escape for the captive, a means by which his life might be saved and his liberty recovered on that self-same night. The reverend father, smiling graciously, embraced his noble visitor in most friendly fashion and thanked him deeply for his proffered assistance. He devoutly assured him, however, that death in so splendid a cause would be far more welcome than any life, and that, for his part, he was drawn by so sincere an affection for such a death that he feared nothing more than to be snatched from it.

In this way he communicated his own enthusiasm to the gentleman, who was the younger of the two, and gave him great strength to bear the sufferings which he was afterwards to undergo for the Faith. The interview ended with tears and mutual embraces, and the gallant martyr of Christ asked his friend not to leave the city till God had completed the work he had begun. Mr. Browne promised

that he would faithfully observe this and decided to keep as close as possible to the father's side.

On the following day the martyr was brought out of prison to be led to the gallows. A heretic minister accompanied the warders, but Mr. Browne with other Catholic gentlemen was also there and kept very close to the prisoner. The minister addressed Fr. Ogilvie, pointing out how well disposed he was to him. "It is a source of great grief to me, my dear Ogilvie," he said, "that you should wilfully and deliberately send yourself to a death of shame." The father pretended to be afraid, saying: "It is absurd to suppose that my life depends on my own choice, for I have been found guilty of treason and condemned." "Put the question of crime out of your head," said the minister; "renounce the pope and papistry and I will guarantee that you are freed from the charge, and will even load you with rewards." "You make game of me," said Fr. Ogilvie. "I speak seriously and with full authority," replied the minister. "The Lord Archbishop bade me promise you, in his name, his daughter in marriage and the richest prebend of his diocese as a dowry, if only I saw you willing to come over from your religion to ours."

While this conversation was going on, they came to the platform, and the minister pressed the father to choose to live. "Indeed, I do," answered the father, "but it must not be in shame." "I have said and repeat," the minister answered, "that you can live in honour." "Would you say that so that the people may hear?" "Certainly I will," answered the minister. "Listen, you who are here, what your minister is going to tell us." Then the minister said: "I promise Mr. Ogilvie life, the Archbishop's daughter, and a very wealthy prebend, provided he will come over to our side." "Do you hear this?" said the father; "and will you confirm it when the occasion arises?" "We hear," the people shouted, "and we will bear witness. Come down, Mr. Ogilvie, come down." The Catholics

now began to tremble, the heretics to rejoice. "There is then no fear," said Fr. Ogilvie, "that I shall hereafter be held guilty of treason?" "None at all," shouted the mob in the market-place. "For Religion's sake alone, then, am I brought here as a criminal?" "For that alone," came the answering shout. "It is well," said the father triumphantly; "it is, then, clear that for religion's sake alone I am condemned. For that I am prepared to give even a hundred lives, and to give them freely, gaily. Take, then, the one I have, I am quite ready. You shall never take my religion from me."

At these words the Catholics looked up and rejoiced, while the cheated heretics gnashed their teeth. Most bitter of all was the minister, who would not allow the father to say any more, but ordered him to be taken to the gallows at once.

There was by chance on the platform an exemplary Catholic, Abercromby by name. He was a devout man of humble birth, but spoke with confidence to Fr. Ogilvie at this trying moment, saying: "O noble Master Ogilvie, the more wrong you suffer, the better will it be for you." The enraged minister flung this man headlong from the platform on to the people, to the evident hazard of his life. Mr. Brown, however, caught him as he fell, and the Lord Abercorn took him into his household. From this incident has arisen the proverb which is quoted by Scotsmen:

"The mair wrong ye dree, the better for ye, as Abercromby told the priest."

I heard these things from my father at Douai in the year 1638 after he had suffered persecution for thirty years and imprisonment for one, and when as an exile and a famous confessor of the faith he came to Belgium.

JAMES BROWNE, *of the Society of Jesus.*

THE ACCOUNT OF JEAN DE ECKERSDORFF

I was then travelling in England and Scotland, as is the custom of young Hungarian noblemen. I happened to be in Scotland on the day when Fr. Ogilvie was taken to the scaffold, and I can find no words to describe his proud and noble bearing as he went to death. Just before he went up the ladder he flung his rosary from the scaffold as a last souvenir for the Catholics who were near him. This rosary, flung at random, hit me in the chest, so that I had but to put out my hand to take it. The Catholics, however, rushed on me so violently that I had, perforce, to let it go or be knocked down. At the moment nothing was further from my mind than the thought of religion; yet from that moment I knew not one minute's peace of mind. In vain I wandered from place to place; I could find rest in none. My conscience was troubled and this thought came back to me time and again: "Why did the martyr's rosary fall on me and not on someone else?" For many years, then, this question presented itself to me again and again, and was with me wherever I was. Conscience won at last. I renounced Calvinism and became a Catholic. I attribute this happy conversion to the martyr's rosary (there is no other possible cause), to this rosary which, if I had it, I would not barter for the whole world, and for which, if anyone would offer it to me, I would give any price which was asked.

THE PROCESS OF BEATIFICATION OF THE VENERABLE JOHN OGILVIE

PRELIMINARY enquiries for the process of Beatification occurred at Würzburg in 1628 and at Rome in 1629.* Fr. James Forbes, S.J., published a transcription of them as an appendix to his book. His transcriber, however, did the work so badly that I had to get photographs of these documents (by the courtesy of the Jesuits of Rome) and go over them again. For the translation of the actual evidence I secured the services of my friend and colleague, Mr. P. McGlynn, in order that the rendering might be exact. Lack of time, however, made it essential for me to translate the preliminary accounts of each process, so that Mr. McGlynn is not responsible for any errors that may occur in that portion. For the rest the documents speak for themselves.

A.—EXTRACT FROM THE LETTER OF FR. V. CEPARI, S.J. (PROCURATOR OF THE CAUSE OF JOHN OGILVIE).

To the Most Illustrious Cardinal Colonna.

MOST ILLUSTRIOUS LORD,

Fr. John Ogilvie, a priest of Scottish nationality and a religious of the Society of Jesus, was sent under obedience by his superiors into Scotland. There he secretly celebrated Masses, heard confessions, administered the sacraments to Catholics, strengthened Catholics in their faith, condemned heresy, and strove to win back

* I have printed the translations in reverse order because the Roman process gives a preliminary explanation which applies to both.

heretics to the bosom of the Catholic Church. He was captured by heretics and imprisoned, together with some others. After various examinations and disputations with regard to the power of the Pope, the Mass, and the articles of our faith, he could not either by threats or promises be drawn into heresy, but persisted stoutly and steadfastly in his confession of the Catholic faith and detestation of heresy, and claimed that the Pope had special jurisdiction in the realms of kings and over the whole world, and can excommunicate any king who is a heretic. He further claimed that no man can find salvation outside of the Catholic Church. He was therefore condemned to death and brought to the scaffold, while people of both sexes and of all ages mourned his unjust end. Invoking with the greatest devotion the Most Blessed Virgin and all the Saints, he suffered martyrdom on the tenth day of March 1615 (according to the depositions made by the witnesses whose names are to be found on our last page).

Dealing with his martyrdom, two processes of enquiry were carried through by authority of the ordinary. One was held at Rome, under the authority of most Illustrious Cardinal Millino, vicar, who deputed the Reverend Bishop of Fiesole to undertake the examinations, while the other was held at Würzburg in presence of the vicar general of the Bishop of Würzburg.

In these, three witnesses only were examined from Scotland, because no more were discovered who were able to make depositions as eye-witnesses and from definite knowledge, and these are sufficient *de iure*, because any statement stands confirmed by the lips of two or three, as is said by Christ our Lord (Matt. xviii), and further it is laid down in Deut. xix that two witnesses are sufficient in any matter.

Since, therefore, the process was carried through according to law, and it has been clearly proved that he suffered martyrdom because of his Catholic faith, I think

that in response to the strong request of the whole society of Jesus " remissorial and compulsory letters " should be granted in the customary form, lest, if they be postponed any longer, the eye-witnesses of the martyrdom of this glorious servant of God may depart from this life.

B.—The Roman Process of 1629.

In the name of God. Amen.

Know all men by these presents: on the 1st January 1629, Indiction 12, in the sixth year of the Pontificate of our Lord the Pope Urban VIII, The Very reverend Fr. Virgil Cepari, professed religious of the society of Jesus, appeared before the most reverend and illustrious lord Garcia, Cardinal Millino (of the title of S. Lawrence in Lucina), Vicar General of the Holy Father and judge ordinary of the Roman Curia and of its locality. The very reverend Father Cepari has been specially appointed by the most reverend Fr. Mutius Vitellesco, General of the Society of Jesus, to carry out the business mentioned below, as the latter authorised concerning the procuratorship by a public instrument signed by Mr. John Joly of the diocese of Verdun, Notary of the Sacred Apostolic Palace, on the 28th of July 1627. He handed this instrument to me, the Notary, to insert it here. It runs as follows:

In the name of God. Amen.

28th of July, 1627, Indiction 10, Fourth year of the Pontificate of our Holy Father in Christ the Lord Pope Urban VIII by divine Providence.

In the presence of me, the public notary, and of the under-mentioned witnesses specially asked for and summoned for the purpose.

The most reverend Fr. Mutius Vitellescus General of the whole venerable Society of Jesus, well known to me the notary who signs below, of his own accord, with clear

knowledge, and deliberate intent, according to the best, most valid, and effective method that he could use, solemnly appointed the very reverend Fr. Virgil Cepari, professed priest of the Society of Jesus as Attorney, and special and general delegate for himself and the said Venerable Society.

Fr. Virgil Cepari was present and of his free will accepted the burden of this proctorship in the name of the most reverend Father General and the whole venerable Society of Jesus and for them. This proctorship was expressly to begin and carry through the causes of Beatification and Canonisation respectively of all and every one of those Fathers of the venerable society who shed their life blood in Brazil, Japan, the Indies East and West, Italy, England, Ireland, Scotland, Germany, France, Belgium, Poland, Switzerland and in all other parts of the world, to bear witness to Christ's Godhead.

Who to guard and teach the Catholic Faith, to preach it to pagans and heretics and to convert them, counted as nothing the terrible sufferings by which the enemies of Christ and the faith made them die; who feared not to shed their blood and to encounter death for God's glory and the spread of the faith and to obtain from the Almighty God, who rewards each according to his merit, the reward of an incorruptible crown. For this purpose then he must bring before our holy Father the Lord Pope, the most reverend and illustrious lords, the Cardinals of the Sacred Congregation of Rites, the Vicar-General of Rome and Datarius of the Pope, as also before the most reverend Father Auditors of the rota of causes of the Apostolic Chamber, and before all other judges who lawfully exercise authority in Rome or elsewhere, all books summaries and petitions concerning these causes. He must give instructions and must obtain the necessary rescripts and answers (of the Congregation of Rites) on the above matters and must proceed according to the methods thus laid down.

All informatory processes on the martyrdom of these fathers of the Society of Jesus, in whatsoever part of the world, must turn on their fidelity to the Catholic faith, their endurance in suffering, the purity and honesty of their lives; the evidence of their virtues, the working of miracles, the public report of their sanctity. Fr. Cepari must do this himself and ask, urge, and obtain that others do so also. He must draw up Articles designed for this purpose, must publish them and make sure that they are used in these processes. He must collect the witnesses of these matters and arrange for their examination on oath concerning these articles, books and petitions set forth above. He must arrange for the taking and keeping of their evidence in writing. He must secure attestations, affidavits, public instruments, or some sort of documentary proof for the verification of statements in the said books or petitions or articles. He must ask for these matters and things to be brought to proof. He must find the witnesses who can recognise the written documents and ask and arrange for them to be examined on oath and their evidence put into writing. He must ask and arrange that the evidence be put into Archives and preserved "ad perpetuam rei memoriam" or such better end as is more beneficial to the Venerable Society and the Christian religion, and that when opportunity arises they can be demanded or copies be made, and he must ask and arrange for these to be sent. He must also arrange for letters of permission or command to be drawn up in the accustomed form, for judges to be delegated, places to be appointed, such seasons and delays to be assigned as seem expedient and necessary. He must arrange for the sending of these letters and their execution according to the procedure by them prescribed. He must arrange for processes so obtained, before what judge soever or wheresoever held, to be collated with the originals, signed, sealed, and forwarded to the Roman Curia. He must then obtain their

examination by the duly appointed officials, the attestation of the signatures of judges and notaries in these processes, and must see that witnesses of these things are examined on oath and their evidence put into writing, following the method of proof laid down in the letters or, if it be not prescribed, according to the manner of the Holy Roman Church. All things being observed as above he must ask for and arrange the Beatification and Canonisation, for the glory of Almighty God, of the aforesaid fathers of the Venerable Society of Jesus who were slain by the enemies of the Catholic faith in the aforesaid parts of the world.

As often as he deems it expedient he may appoint one or more procurators in his room, with powers equal to or less than his own, and without impairing in any way the plenitude of his Proctorship. Generally speaking he must do whatsoever is necessary or even opportune for the aforesaid purposes, as the most reverend Fr. Mutius Vitellescus General of the Venerable Society of Jesus would do himself or could do if he was acting in his own person, even though such actions would require a command more detailed than that here given.

Furthermore the said most Reverend Father General acting in the name (as above) pledged himself to me, the notary who signs, as to a public and recognised person, covenanting and accepting for all and each whom it concerns, shall, or may concern in any way in the future, that he would for ever accept as pleasing, binding, and valid, whatever the said Reverend Fr. Virgil Cepari should do as Proctor of the said Venerable Society, as well as all the acts of those substituted by him in the aforesaid transactions or any of them. Concerning all of these matters I, the public notary mentioned below, was asked to draw up the public record or records.

These transactions took place in Rome in the Venerable Collegiate House of the Society of Jesus, in a room on the

ground floor of the same, in the day, month, indiction, year, and pontificate as stated.

There were present the very reverend and illustrious lord Marcel Vitellesco, Roman Gentleman and Canon of S. Maria Maggiore, the reverend Fr. Antonio Maria Nasario, of Cremona, a religious of the said Society and Socius of the aforesaid most reverend Father General, and these were summoned and warned as witnesses thereof.

And because I John Joly, layman of the diocese of Verdun, notary of causes of the Sacred Apostolic Chamber, was joined with the witnesses mentioned in the foregoing, I have signed and published this public record.

Fr. Cepari explained to the most reverend and illustrious lord Cardinal that Fr. John Ogilvie, of the Society of Jesus, a servant of God, had been slain by heretics in Scotland on account of the Catholic faith and out of hatred for it. He explained that there were now in this city to be found those who could give evidence concerning the martyrdom.

Therefore, as Proctor, specially designated by the most reverend Father General of the Society for this purpose, he urged the appointment of a deputy to hear the answers of the witnesses on oath according to the correct procedure, to the questions and articles stated below which he handed to me, the notary.

They were as follows:

Questions.

1. Let each witness be warned of the serious nature of perjury especially in these cases of canonisation, such as is that on which he is now to be examined.

2. Let him be asked his names, his family, his nationality, his age, and profession and whether he is rich or poor.

3. Whether he has ever been excommunicate and whether he confessed and received communion at Easter time.

4. Whether he had been instructed how he ought to make a deposition and how he happened to offer himself for the enquiry. Whether he had been cited and summoned or whether he came of his own motion.

Then came the Articles.

Articles.

1. Whether he knows that Fr. Ogilvie had ever lived on this earth and how he knew. Similarly about the place and time of his knowledge, and corroboratory evidence.

2. Whether he knows that Fr. Ogilvie was in Scotland, in what manner and for what cause he was there.

3. Whether he knows that Fr. Ogilvie was a religious of the Society of Jesus and persevered in that religion till death; how he knows, the place and time of that knowledge, and evidence to confirm it.

4. Whether he knows that Fr. Ogilvie converted many people from heresy to the true faith and to obedience to the Roman Church, and how he knows it.

5. Whether he knows that he was seized and imprisoned; by whom and by whose command, at what time and place and for what cause it was done. How he knows this.

6. Whether he knows how long Fr. Ogilvie was detained in prison, and that he suffered a great deal there, and how he knows it.

7. Whether he knows who else were with Fr. Ogilvie in that prison and for what reason the others were there and how he knows it.

8. Whether he knows that Fr. Ogilvie endured all discomforts and sorrows for the love of God not only in patience and unswervingly, but even with the greatest courage and joy. And how he knows this.

9. Whether he knows that Fr. Ogilvie was condemned to death, by whom, for what reason, and to what manner of death he was condemned. Whether he knows that

sentence of death was published and ordered to be carried out. How he knows this.

10. Whether he knows that Fr. Ogilvie was hanged, in what place, on what day, and in whose presence it took place. Whether Fr. Ogilvie was urged by anyone before death to abandon the faith to escape death. How he knows this.

11. Whether he knows that Fr. Ogilvie remained to the end of his life in the Catholic faith with devotion, piety and steadfastness; whether he knows that Fr. Ogilvie faced death for faith in the true God; how he knows this.

12. Whether he knows that, by public report and opinion, Fr. Ogilvie died a martyr; whether Fr. Ogilvie is so regarded by the Catholics and how he knows it.

13. Whether another interpretation is possible; for instance, that Fr. Ogilvie did not die a martyr nor because of the faith, but because of some crime he had committed or for some other charge made against him; not because of his piety and love of God but because of human considerations. What he himself believes or knows, what he has heard said, and how he comes by his knowledge.

14. Whether he knows anything else to depone concerning Fr. Ogilvie and how he knows it.

When the aforesaid most reverend and illustrious lord, the Cardinal Vicar, heard these articles and saw that a petition of this kind was just and reasonable he freely agreed to the request. For the examination of witnesses he deputed as judge and notary, the very reverend the illustrious and reverend lord Thomas Ximines, Bishop of Fiesole, and the illustrious lord Odoard Tibaldisium, secretary of his most illustrious Eminence himself. To these he gave faculties to remit to Fr. Consulus Sylveyra in Curia the examination and information of the martyrdom and cause of martyrdom of the said servant of God, and to do in this matter all things necessary and suitable.

He gave and granted, bestowed and authorised, any other decree, licence, faculty, and ordinary authority which might be necessary or suitable in addition, remedying whatever defects might have occurred in as full a manner as possible, etc., concerning which, etc.

At Rome, in the Palace of the most illustrious lord Cardinal.

In the presence of the following who heard and understood.

Witnesses. The illustrious father, ROSINO DE CAMPAGNANO.
The illustrious lord, ARCHANGELO RUINETTO of Bologna.

The most reverend and illustrious lord, the CARDINAL MILLINO, Vicar of Our Holy Father the Pope.

The reverend FATHER THOMAS XIMINES, Bishop of Fiesole, Judge Depute.

Of the Canonization of the glorious Martyr, Fr. John Ogilvie of the Society of Jesus, of the realm of Scotland.

On the 16th January, in the same year indiction and pontificate as above, Francis Pignoccatus Cursor of our Lord the Pope reported in writing that, on behalf of the very reverend Fr. Virgil Cepari Proctor of the Society of Jesus in this cause, he had cited the lord William Sinclair by a writ dispatched to his house, to give evidence on oath in a cause of this kind and to offer himself for examination on the articles or subjects mentioned in the deeds and in the whole present cause, and that this citation was for the 23rd hour of the 16th January of this year, in the house of the lord bishop of Fiesole in the Via Coronariorum as the place chosen for examination, etc.

When this had been read the same* appeared etc.,

* Wm. Sinclair.

and asked and obtained permission to delay his answers in any serious matter if he wished.

In the Same Year Indiction and Pontificate as above on the 16th January, 1629, at Rome.

In the cause of the Martyrdom of Reverend Fr. John Ogilvie, S.J., of Scotland, there was examined at Rome in the house of the aforesaid very reverend Bishop by his illustrious grace. I also, etc.

Mr. William Sinclair of Scotland, aged 47. When the oath of true testimony had been administered to him, etc., he took the oath and made his depositions as below, namely:

On the first question he was warned and answered rightly as is contained therein.

To the second, with regard to his name, surname and native country, as above: "I was an advocate in Parliament House in the Kingdom of Scotland; but was in practice only two months before I was sent to prison. As for my means, my answer is this: that before my property was confiscated by the treasury they were sufficient for my livelihood."

To the third he answered: "As far as I know, I am not excommunicated, nor was I excommunicated except in my youth at a time when I was infected with heresy and in that way came under the censures pronounced in general against heretics; but afterwards I returned to the bosom of Holy Mother Church; I received Holy Communion at Easter and also on some other feast days as a free act, and since my arrival at Rome, more frequently still."

To the fourth his reply was: "I came to the inquiry in answer to a citation. Regarding the question of instruction, however, certain Jesuit Fathers in the Scots College asked me if I knew anything concerning the death of Fr. John Ogilvie of that same society. I replied that I had known the said Father well, and that because of him and another Father of the said society I had suffered imprison-

ment and other hardships. Then the said Fathers gave me certain articles concerning the death of the said Father, requesting that at some suitable time and place I should make a truthful deposition of what I knew, according to the contents of the said articles."

Then they came to the articles.

I. " As to the first article my answer is: I knew Fr. John Ogilvie well. Regarding the source of my knowledge, the place, and corroboratory witnesses, my answer is: In the winter of the year of our Lord 1613 he was at my house in Edinburgh, which is the capital of Scotland; and there my wife, Isabella Papia, and I ate and drank with him. He came to my house not by accident but by design because he had learned that my wife and I were Catholics and that my house was always secretly open to priests and religious.

On another occasion, in the summer of the year 1614, he was at my house, and there he said Mass two or three times and spent the night as well. With him there was another Fr. John Ogilvie of the Order of St Francis of the Observants who always stayed with us when resident in the said city.

" From Fr. Ogilvie the Franciscan, and Fr. John Ogilvie S.J. himself about whom I am being questioned, and others whose word can be relied upon, I received full information with regard to the said Father John Ogilvie, S.J.; concerning who were his parents, what was their rank, that he was their legitimate son, his religious order, and his manly character."

II. " As to the second article, I answer: I know for certain that Fr. John Ogilvie of the Society of Jesus was in Scotland, and that he came with the intention and desire of eradicating heresy and spreading the true Roman Catholic faith.

" With regard to the source of my knowledge, the place, the time and corroboratory witnesses; he was at my house in Scotland, as has been stated, in the year of our Lord

1613 in winter time, and in the year 1614 in the summer and autumn, at which period, that is, in the months of August, September, and the beginning of October, I was often in his company, and had lunch and dinner with him, and transacted certain affairs with him; I was present at the sacred rites he celebrated together with various other Catholics both men and women; and that too not only at my own house but also in the houses of two others, in the city itself and in the suburb known as the Canongate, in the houses that is of John Philipps and Robert Wilkie.

" That the reason for his visit to Scotland was the one mentioned above is quite clear to me, not only from the account given by others who knew him very well in Scotland itself, but also from some Fathers of the same Society of Jesus in Germany who had known him and who informed me definitely that he was sent to Scotland by his superiors for the said purpose. Further proof is to be found, not only in the account given by the Reverend Fr. George Elphinstone, Rector of the Scots' College in the City (*i.e.*, at Rome) who had accompanied the said Father John from Germany to France, but also in the words of Father Ogilvie himself, and more particularly in his deeds and actions. For every one of his actions was deliberately directed towards strengthening the faith of Catholics and reclaiming heretics, and he lost no chance or opportunity of spreading the Faith. He entered the prisons, at very great risk to his own life, to comfort certain Catholics suffering there, and in particular he entered Edinburgh Castle where Sir James Macdonald, a knight and a confessor of the Catholic faith was held prisoner, and comforted him with his pious counsels and words of encouragement. This I heard, not only from Fr. Ogilvie himself, but also from Sir James and his wife, Lady Margaret Campbell; for I was very frequently in their company. As regards Catholics, he kept reminding and stimulating them, in season and out of season, with regard to their duty; if they

were lukewarm he fired their souls, if they were virtuous and steadfast he strengthened their zeal and urged them to persevere. In all these actions he displayed such earnestness, keenness and ardour, that I could easily infer during the whole period of my association with him that his heart burned with a most fervent desire for spreading the faith. This was also the opinion expressed by everyone else."

III. "As to the third article, I reply: I know quite well that he was a religious belonging to the Society of Jesus and remained steadfast in that obedience till death, because he himself swore that he was such to me and to others from whom I have received this information; and the other Fr. Ogilvie, the Franciscan whom I have mentioned, and Fr. James Moffat of the same Society of Jesus related this same fact to me more than once. I have it likewise on the authority of several Fathers of that same Society in Germany, for, by reason of a letter in his writing and bearing his signature and recognised as being his, I was welcomed and entertained in colleges of the Society of Jesus, together with John Main, a Scot who is now a monk of St Benedict but formerly was a prisoner together with Fr. John Ogilvie. Moreover, when I gave particulars to the same Fathers in Germany regarding the Ogilvie whom I had not merely known to be a captive but had also seen with my own eyes, specifying his build, appearance, and his whole features, his age and his mannerisms of action and speech, they all recognised him as their own Fr. Ogilvie and rejoiced to find that he was so.

"That he persevered in that obedience until death I know from the following facts. First of all, neither I myself nor anyone else have even the slightest ground for suspecting that he fell away from the obedience of the Society of Jesus, nor was there ever the slightest rumour regarding such a thing. Further, the heretics themselves admit that the man they put to death was a Jesuit and one who confessed himself such, and he was rebuked by many

heretics for being too fervent and steadfast in the Catholic Faith and for being unable and unwilling to dissemble even on the slightest point concerning it with a view to soothing the wild rage of his judge."

IV. "As to the fourth article—this is my answer: I know for certain that some, in fact many considering the short space of time he spent in Scotland outside the prisons were won over by him to the Catholic Faith and brought back from heresy to obedience to the Holy Roman Church. Such are some of his fellow-prisoners (to be mentioned below) and two or three others who were lairds in the Province of Scotland called Renfrew. Besides these there were some other gentry of lower rank, a fact which I know partly from the information given by some of his fellow-prisoners and by certain others who were won over by him to the true Faith."

V. "As to the fifth article, my reply is: I know for certain that he was seized on account of the Catholic and Roman Faith, and was imprisoned by the officers of the pseudo-archbishop of Glasgow and that this whole affair was carried through by the latter's direction. As for the source of my knowledge, the place, the time, and corroboratory witnesses, I answer that I know this first of all from some letters written to a most noble lord, commonly called Lord Herries, at that time resident in the City of Dumfries where I also happened to be at the same time, in the month of October, 1614, on business. Further, I have learned about it from the account given by some who were present and were eye-witnesses of his arrest.

"Likewise when he was taken from Glasgow to Edinburgh and then back again from Edinburgh to Glasgow I saw him with my own eyes as a prisoner in the company of his warders, especially Andrew Hay, Robert Blunt, George Austin, and Alexander Duff who were heretics.

"He was arrested about the 14th day of October, 1614. For when he was at my house at Edinburgh, he said to me

at the beginning of the month of October that he wished to go to Glasgow, and he did so, in order to reconcile certain persons to the Catholic Church. When he had stayed there a few days, he was arrested in that same city of Glasgow. For whereas he should have freed from heresy a certain Adam Boyd among others (and it was for this reason that he had gone to Glasgow) this same Adam Boyd betrayed him to the pseudo-archbishop, because of the hope and promise held out by the pseudo-archbishop that he would thus be awarded a sum of money, together with pardon for certain crimes which he had committed.

" So, while walking about in the market-place, he was summoned by a certain member of this pseudo-archbishop's household named Andrew Hay, to appear before this same pseudo-prelate. Meanwhile, he was carried off by the officers and by certain citizens to the pseudo-archbishop, and thence to prison. This I know, first of all from the letters to Lord Herries already quoted; secondly from the common report which spread most rapidly far and wide throughout the whole of Scotland and England; likewise from the fact that, when that most villainous traitor, Adam Boyd, on account of certain thefts committed at Edinburgh, was thrown into the same prison in which I was being held captive because of the Catholic Faith and the harbouring of Frs. John Ogilvie and James Moffat S.J. in my house, all the prisoners, heretics as well as Catholics, called him a traitor and a scoundrel; and when he denied that he was the Boyd whom they meant, or claimed that he had been cast into prison not for theft but for having heard Masses said by Fr. Ogilvie he was met with loud outbursts of laughter from everyone.

" Moreover, I know the reason for his seizure to have been the fact that he was a Catholic priest of the Society of Jesus, that he said Masses, and that he won back heretics from their heresy to the true Faith, for no other charge was made against him by any one of the heretics before

his arrest, nor was it possible for any other to have been made. Besides, in no other way could this Boyd expect or obtain a reward or pardon from the pseudo-archbishop, for other charges must be brought before the civil judges and magistrates. Finally, there was no other general report or theory or rumour current among the people with regard to his arrest."

VI. "As to the sixth article, my reply is: I know that he was in prison from about the 14th of October 1614 till the 10th of March 1615. For he was captured about the said date, October 14th (as I have already shown that I know), and I shall point out later that he was martyred on the 10th of March. Also I know very well that he suffered many torments in prison, the object being to make him betray Catholics and forswear his faith, and deny the authority of the supreme pontiff which he had already most vigorously defended, and acknowledge the authority of the king as supreme head of the Church. For during those days when he was imprisoned in Edinburgh, they compelled him to keep awake for eight whole days and nine whole nights. This I have the best grounds for knowing, because I was in Edinburgh during those very days, and although I myself, being a suspected person, did not dare to visit him during such a prolonged period of wakefulness, yet I sent to him almost every day some one, and often even more than one, who saw him being forced to remain awake with the aid of daggers and pins, also by being spoken to, pinched, shouted, at and often by being dragged up and down through the room, and more often still by being allowed to fall to the ground. This I heard from certain physicians. They had decided to torture him by keeping him awake till he was discovered to be at death's door, and were in constant attendance upon him, especially in the last three days, anxiously enquiring how much life he still had left; and the physicians and many other people besides, heretics as well as Catholics, admitted to me that

at the end of those eight days and nine nights their own verdict was that he could not possibly live three hours more. On this account a respite for sleep was granted to him lest he should die. This very information I received also from those who compelled him in turns to keep awake by the said methods—namely, Andrew Hay, Robert Blunt, George Austin and Alexander Duff, and also from various other Edinburgh citizens, and from most trustworthy witnesses who, out of mere curiosity and amazement, had very often gone to see him, and who publicly announced to everyone also the nature of his tortures, his perseverance, his patience, and everything that passed either by word or deed. Finally, so definite and unwavering was the report about this vigil of Fr. Ogilvie all through Scotland, that I do not believe that any one person could then be found without a clear knowledge and certain conviction that Fr. Ogilvie had been most cruelly harassed by that form of torture."

VII. "As to the seventh article, my reply is: There were several others imprisoned with him—namely, Archibald Mure, John Main, James Forrett, John Wallace, Matthew Adam, Archibald Schilk, William Menteith, James Steuart, Robert Hegat and others, all of whom, fifteen in number, had been present at sacred rites and Masses he celebrated, and for that reason were all imprisoned with him. I know this to be a fact, partly from the account given by certain of the imprisoned men, partly from an examination of the charge made against them, and partly from the narrative of many others who saw them very often in prison. Besides, it is extremely well-known among the people of Scotland, and most especially among the citizens of Glasgow, that Fr. Ogilvie's fellow-prisoners had been put in prison for the same reason; for all of them were condemned to death, though none of them suffered the extreme penalty; but certain of them were condemned to exile, while others were set free—

namely, those who by a change of opinion (whether genuine or feigned) had reverted to heresy."

VIII. " As to the eighth article, my reply is: I know that Fr. Ogilvie endured all his discomforts and sufferings, not only with patience and perseverance, but also with great courage and joy for the love of God. As for the reason for my knowledge, my answer is that I know this from the evidence of the enemies of Fr. Ogilvie, I mean those heretics themselves—and when they praise a man whom they would have afflicted with a thousand tortures if it had lain in their power, their word can be relied on. From the attendants, then, who guarded him and the physicians who stood by him during his enforced vigil, and others who witnessed his death, I have heard that they marvelled how he had borne up to the very end such great sufferings with a spirit so brave and unflinching, and a countenance so joyful, never betraying even the slightest sign of impatience either by word or action. Indeed, among the large number of those who were present at his martyrdom and imprisonment and the other incidents connected with him, and who narrated all these matters to me in detail, not one was found, who made any mention of impatience or cowardice on his part. Rather, everyone expressed his regret that a man of such singular courage and spirit should be not only a Papist, but a priest and a Jesuit. The same story and report are to be found among all the people of Scotland, especially among the Catholics, who do not scruple to compare his courage with the highest heroism and glory of the martyrs of old. It is an established fact that never from the commencement of the heresy in Scotland, or at any rate never within the past forty years, has there been any prisoner in Scotland, whether priest or layman, about whose heroic courage there has been found such a steadfast and consistent report and opinion, and indeed such a definite conviction, prevailing among men of all classes. Therefore the whole of

Scotland can be considered to join in bearing witness to his courage."

IX. "As to the ninth article, my reply is: I know for certain that he was condemned to death by a judge, whose name will be given later on, and that the sentence of death was officially promulgated and was ordered to be carried out in accordance with the command of King James VI, on the ground that he had been found guilty of transgressing and offending against those acts of Parliament of the said King James, which forbid one, under penalty of being charged with high treason and rebellion, to say Masses or to hear them, to deny the supreme power of the King over all the inhabitants of his realm in matters spiritual and temporal, or to assign to the Roman Pontiff spiritual power over the King. As for the reason of my knowledge, and also concerning the question of confirmatory witnesses and place and time, my answer is that, being myself a prisoner in the gaol at Edinburgh, charged with having harboured and welcomed Fr. John Ogilvie and James Moffat, and with having refused to renounce the Catholic Faith, and further with having proved unwilling to surrender myself unconditionally to the will and mercy of the king in this matter, they read out to me in court the indictment and sentence against Fr. Ogilvie. They urged me also in very large numbers to profit by the example of Fr. Ogilvie the Jesuit, who had just been condemned and hanged for disobedience to the king, and thus myself learn also to obey the king and have regard for his acts of Parliament, in which case I should not be dealt with according to the laws, as he had been dealt with. I was further urged to the adoption of this course, most especially by those who took part in the trial and in the charges against the said father, some of whom were supporting the pseudo-archbishop in order to ward off from him any attack. Similarly these men were supporting him in court against me—namely, the Master or Milord of Sanquhar, Lord of Rosslyn,

of Kilsyth, Gedeon Murray, knight and treasurer depute of the realm. Sir William Oliphant, knight and Attorney General of the King, who was the prosecutor in my case, just as he was in the case of Fr. Ogilvie. In addition there was Sir William Hart, Lord Justice Clerk of the realm and likewise knight, who was also the judge in the case of Fr. Ogilvie and had pronounced sentence of death against him, and was the judge in my case also and passed the same sentence against me. He first of all recounted to me all that he had done in the case of Fr. Ogilvie, as a warning for me to take care lest he should be compelled, in accordance with the various acts of Parliaments, to pronounce sentence of death against me if I refused to obey the King. The same warning was often uttered to me by others, who likewise had been present at the trial of Fr. Ogilvie, such as the Lord of Minto, the Lord of Kilsyth, junior, the Lord of Bonington, as well as others, some of whom according to the national custom had been appointed to act as jurymen and as it were assistants. Sir William Hart, the Chief Justice, also Messrs. Peter Ewart, Thomas Sydserf, a certain relative of mine named William Sinclair, and all the heretic ministers and preachers left no stone unturned in their attempts to frighten me away from the true worship of God and the Roman Catholic faith, and they threatened me by quoting the example of Fr. Ogilvie, relating to me the details of the whole course of procedure against him.

" Secondly, William Struthers, a Minister, seeing that many of the people, including even heretics, were proclaiming the innocence of the martyr and asserting that he had been cruelly and unjustly slain, thought to remove the scandal which such people were causing. Therefore by order of the Lord Archbishop and heretic ministers, he edited a pamphlet after the martyr's death, with the express permission of the king and council. In this he asserted that the sentence of death passed on Fr. Ogilvie, together with his execution which had already been carried out,

were right and just, and in particular his execution was a great duty rendered to God, because he had offended against the king's majesty by repeatedly saying Masses, by teaching others the Roman Faith, and by not recognising the spiritual power of the king. He also assailed him on many other points because he upheld the authority of the Supreme Pontiff and the Holy Catholic Church and its rites.

" Thirdly, I know this very fact, because in my trial and in the sentence of death and confiscation of all my goods that was passed against me, and was read out publicly and solemnly, as I said, in my own hearing, Fr. Ogilvie was mentioned as an enemy to the state and one guilty of high treason on account of the reasons often mentioned. The same happened in another similar trial of two of his fellow-captives, when they were sentenced to death for the treasonable hearing of a Mass of the said Fr. Ogilvie, who had already been hanged. Similarly I read the pardon granted by King James VI to the aforesaid Mathew Adam and William Menteith, under witness of his great seal, whereby they were pardoned and were granted their lives as a boon after treasonably hearing a Mass of the said Fr. Ogilvie the Jesuit, who had been hanged. For letters of pardon were shown in 1615 by the said Matthew and William to the Counsellors and the Lords of the Treasury of his most Serene Highness the Archduke Albert in Flanders, at the time when they begged assistance from His Highness as Catholics in distress. Hence it was too that His Serene Highness Albert, whom I have just mentioned, complained about the severity of the said King James against Catholics, contrary to his promise, although at that time they were at peace and were corresponding with each other.

" Fourthly, I know this because, when the pseudo-archbishop himself, by whose efforts and orders he was captured, tried, and condemned to death, was telling me that the sentence of death passed against me had been commuted

to the penalty of banishment (and this, too, after I had been led to the place of punishment) at the same time added that Fr. Ogilvie had been hanged by his means. 'We have dealt more mildly with you,' he said; 'I hanged John Ogilvie, the Jesuit, but the sentence of death passed against you has been commuted to the penalty of exile, in order that you may make trial of the generosity, charity, and gratitude of the Pope since you have upheld and championed his authority and faith with such determination in opposition to the King's statutes.'"

X. "As to the tenth article, my reply is: I know for certain that he was hanged. As for the source of my knowledge, my reply is the same as in the answer which I have given to the previous article. He was hanged in Glasgow on the 10th day of March, 1615. This can be attested by all those who were dwelling then in that city and by very many others who had flocked together there. From many of these I heard the facts, especially from Alexander Steuart and Andrew Boyd who are Catholics, and from William Fair, Robert Blunt, Alexander Duff and John Ballendon who are heretics.

"Further testimony is afforded by the common report and accounts which prevail thoughout the whole of Scotland; for it was in the public square that the scaffold was erected and the whole city was present at the hanging. I know also that he was tempted by many gifts, promises, threats, and other means, to express his willingness to obey the King in order to escape death. This I have learned first of all from the account given by several Catholics, and secondly from a large number of heretics, who very often complained with great indignation that John Ogilvie had not only flouted the authority of the king and of the other chief men in Scotland. Common report therefore, and the account given both by Catholics and heretics are in agreement, the heretics inveighing against him for despising the gifts and the authority of the king

and not listening to sound advice, the Catholics, on the other hand, showering on him the greatest praise."

XI. " As to the eleventh article, my reply is: I know for certain that he persevered in his Catholic faith up to the last moment of his life in a devout, pious, and steadfast manner. As for the source of my knowledge, my answer is that I know this and have learned it first of all from his fellow-prisoners and others who witnessed his death. For they state that on the night before his death he devoted all the time that he possibly could to prayer and spiritual meditation, and they further add that he did the same before ascending the steps of the scaffold and also while actually on the steps themselves, calling both God and his fellow-men to witness that he died in the Roman Catholic Faith. His piety and also his constancy were proved by his readiness to forgive all those who had trespassed against him just as he prayed God to forgive him, and by embracing and kissing the scaffold and finally by bidding the hangman be of good heart and by pardoning him also.

" Secondly I know that his perseverance was great from the admission of those of his foes and adversaries who were present at his death. Some of these acted as the Jurymen in the court during the hearing of the charges against him. I have heard several of them lament, with no little show of annoyance, the fact that he held fast with such determination to his opinion (namely, that he denied the power and jurisdiction of the king in spiritual matters) that neither by all their threats and gifts, nay, not even by hanging or by death itself could he be deflected from it. Indeed it was on these grounds that they urged me to obey the king, lest I should furnish a good reason for taking the same harsh measures against me. With regard to the question of his having suffered death on account of his belief in the true God, I have already shown above that I knew this to be the case."

XII. " As to the twelfth article, my reply is: I know for

certain that it is the common report and account that he died truly as a martyr and is considered as such by the Catholic community. Regarding the source of my knowledge, I answer that as far as the Catholics in Scotland are concerned (and they received the most reliable and trustworthy account of his imprisonment and death), they believe him to be nothing less than a martyr and they speak of him as such. In fact, I myself have heard many peoples in various provinces in Scotland speak and talk of him in this way. Moreover the same account and belief concerning him prevails among many people of other nations who hold him in the same esteem. For the martyr himself before his death busied himself with writing out with his own hand a short account of his imprisonment, his debates with the heretics, and the other incidents connected with his incarceration. This he handed over to John Main, who was then in prison with him, but is now a monk of Saint Benedict in Germany. This man added on to that account all that was done by the martyr for the eight days preceding his death, and also all that took place on the very day of his martyrdom. He then handed it over to the Fathers of the Society of Jesus, in accordance with the wish of the martyr, who had requested his companion in prison to do so. The Fathers then took steps at once to have the account printed, first of all at Douai and then at Mayence, in the year of our Lord 1616. Now since this pamphlet found its way through Italy, Germany, France, and Belgium, and, furthermore, since certain of his fellow-prisoners, who were banished to foreign lands, wandered through these same kingdoms of Germany, France, Belgium, and Italy, such a strong belief regarding the imprisonment and death of Fr. Ogilvie has now come to be held in the countries just mentioned, by those who either read the pamphlet, or heard the story of the whole affair from the lips of Fr. Ogilvie's fellow-prisoners and from others who were present at his martyrdom; such, I say, is their considered

opinion, that he is called and esteemed nothing less than a martyr. I myself can testify that this was the common report and account that prevailed concerning his reputation, when I wandered as an exile through Germany, Italy, Belgium and France. Further, when the Catholics in Scotland read that other pamphlet written by the heretic minister, as I mentioned above, in justification and support of the sentence of death that was passed on Fr. Ogilvie, no one among them can fail to believe him to be a true martyr and to venerate him as such. Wherefore etc."

XIII. "As to the thirteenth article, my reply is: No other interpretation is possible; for instance, it is impossible that he did not die as a martyr, or that he died for any reason except the cause of the Faith and his love and affection for God. It is impossible, I say, that he died for any other cause, because no other interpretation is possible excepting the one which I have mentioned in my deposition. For in this deposition I have given an account of the whole affair just as it actually happened, and no other offence was charged against him, as even the heretics themselves admit. There was only the accusation of high treason, and by the judges of his case it was considered that he had been guilty of that simply because he had infringed those acts of Parliament of James VI which, under pain of high treason, forbid anyone to say Masses or to hear them, or to deny the power of the king over his subjects in spiritual matters, or to claim that the king is not head of the Church within his own dominions, or to claim that the king can be excommunicated by the Pope as an heretic. Therefore if death on account of one's profession of these articles of faith constitutes death for the faith, as indeed it does, it is impossible for him to be anything but a martyr, for it was on account of them that he died. And as for my own part I most firmly believe that he is a martyr, and I honour and revere him as such, and

many others, as I have already pointed out, hold the same opinion regarding him."

XIV. "As to the fourteenth and last article, my reply is: I do not remember anything else regarding him, except that just as he was dearly beloved by all the Catholics in Scotland during his lifetime, so he was most deeply mourned by all after his death, and was esteemed and honoured as a true martyr of Christ. A rumour gained currency to the effect that on the day after his body had been buried, certain persons who had gone to pay a visit, either from motives of piety or merely out of curiosity, had not found the body in the tomb. For it is said that during the night two Catholic nobles, the Lords Abercorn and Semple, removed it and buried it elsewhere. However that may be, I cannot say for certain. What is certain is, that his martyrdom proved to be of very great assistance to Catholics in Scotland, for as a result of his example and his perseverance many were kindled with a greater fervour for the Catholic Faith. That was my own experience at that time, for just then, as I mentioned already, a similar sentence was passed against me; but I was fired by the example of the said Fr. Ogilvie and was strengthened by inspiration from God. In the month of August 1615, I was led to the scaffold together with two others, namely Robert Wilkie and Robert Cruickshanks in the presence of fifty thousand people, and the three of us, by the grace of God, were prepared to meet our death with the greatest courage. But our enemies perceived that the people were murmuring against it, and therefore the sentence of death was revoked by the king's command, and was changed into one of banishment for life, amid the acclamation of the bystanders. As a result, the position of Catholics in Scotland after that date was more tranquil. For although Andrew Crichton, a secular priest, and two other priests, Fr. Patrick Anderson and Fr. John McBreck were made prisoners, they none the less upheld the authority of the

Supreme Pontiff and denied the king's power in spiritual matters (just as Fr. Ogilvie did), yet they were set free, though banished from the land. King James repented having caused the death of Fr. Ogilvie, and cast the blame upon the importunity of the pseudo-archbishop.

"Moreover, we see that many of those who persecuted Fr. Ogilvie have since been punished, quite clearly by the just judgement of God. Thus Mr. Adam Boyd who betrayed him, although he was of gentle birth, yet became so hated by all, that he was disgraced and cast into prison for theft, as I related above.

"Mr. Gedeon Murray, the judge's chief assessor and persecutor of the Father, was afterwards disgraced by King James for certain offences and met with a sudden end. The story goes that in order to escape being subjected to public disgrace he committed suicide by taking poison, an act which caused great satisfaction among the people. In the aforesaid year, namely 1617, Mr. William Hart, whom I have mentioned as his judge, while sitting on the bench in a certain other criminal trial, suddenly lost the use of his senses entirely, and was struck dumb, so that he could no longer carry out his duties and died a short time afterwards. A certain Scotswoman, named Elizabeth Oswald, who assailed Fr. Ogilvie with insults and curses in the public street on the occasion mentioned above, when he was being brought bound from Glasgow to Edinburgh (a story which is related at greater length in the short account written by Fr. Ogilvie himself) fell into the greatest straits, and suffering greatly from want and poverty she came to her husband Archibald Hegate at Rome. There she renounced her heresy and by the intervention of the Fathers of the Society, including specially the Father Rector of the Scots College in the City, was provided for together with her husband by the Holy Father.

"In the same year in which the aforesaid Fr. Ogilvie suffered martyrdom Scotland was visited by a severe spell

of snow and cold continuing over a period of four months, with the result that not only the majority of four-footed animals, but also most of the birds of the air as well died off, and during the following year Scotland was afflicted with a great famine. Also in the same year as the said Father was martyred, many portents were witnessed in Scotland.

" In the districts of Angus and Mearns in the highlands there appeared to the farmers and inhabitants sowers who on different days sowed a field with seed like hemp. When the farmers went towards them they disappeared. I have seen some of this seed collected in the shirts of the farmers and shown to the Lords of the Council. In the said province of Angus near Muromont there appeared on the snow in winter huge armies of men about to join battle with a great din. When the neighbouring people of the district drew near to them they disappeared.

" These depositions I William Sinclair have made and they are true.

C.—Würzburg Process of 1628.

In the name of the Most Holy and Undivided Trinity, Amen.

On Tuesday the 2nd of May in the year of our Saviour Jesus Christ 1628, in the 5th year and 11th indiction of the pontificate of our Lord Urban, by divine providence, the eighth Pope of that name, which was a day not ferial nor set apart for any feast, but a day juridical and of ordinary judgement, there sat in tribunal the very reverend, noble, and illustrious lord John Riedner, doctor of sacred theology, rector and canon of the collegiate church of S. John Baptist, and S. John Evangelist in Hangis of the city of Würzburg, Vicar General of the most reverend and illustrious Prince, the lord Philip Adolphus, Bishop of Würzburg, Duke of Eastern France, and with him as assessor sat the reverend, renowned and most learned Joachim Gautzhorn, doctor of both laws, counsellor

assessor in ordinary for ecclesiastical causes of the aforesaid Prince of Würzburg. Before them appeared in the ecclesiastical council chamber, above the chapel of S. Brictius in the ducal city of Würzburg, the reverend father in Christ John Bigcisens Priest and Theologian of the Society of Jesus and temporary Rector of the college of that Society in Würzburg. He came as the appointed proctor to ask for the citation of certain witnesses and the taking of their depositions concerning the life and death of the reverend father John Ogilvie, priest of the Society of Jesus, who formerly lived in England and was martyred there for the faith. He produced his authority of Proctorship and the formal requisition for citing the Reverend Frs. Sylvanus Main and James Hegate religious of the order of S. Benedict, Scotsmen, now staying at Würzburg. He asked then that these citations be granted at the same time and put into court articles on which the witnesses might be examined together with preliminary questions. At the instance then of the reverend Father Rector of the College of the Society of Jesus, the Vicar General of Würzburg issued the citation as asked.

* The authority to act as proctor was as follows:

I Sebastian George Zorzius J.U.D. Protonotary Apostolic, Canon ad veterem capellam Ratisbonae of the collegiate church of S. Mary and Counsellor of the Bishopric hereby solemnly attest (make solemn affidavit) that I was asked in friendly manner by the very reverend Fr. Nicholas Gall temporary rector of the College of the Society of Jesus at Ratisbon to certify as Protonotary apostolic as follows:—

He has been commissioned by the very reverend Fr. Virgil Cepari, specially appointed Proctor for this cause by the most reverend Fr. Mutius Vitellesco, General of

* From this asterisk to the next the documents mentioned are cited at length. When they are identical with those of the Roman process I have referred to the latter.

the Society of Jesus, to institute here in Ratisbon, a process or examination of certain matters in connection with the life, character, death and cause of death of Fr. John Ogilvie of happy memory, a priest of the Society of Jesus, who was slain in Scotland in 1615 by heretics out of hatred for the Holy Catholic Faith. He (Fr. Nicholas Gall) specially clothed with authority to institute this process, was for some reasons unable to do so and has therefore chosen and substituted in his place the reverend Fr. Rector of the College of the Society of Jesus at Würzburg. The latter is to make all such enquiries as were demanded of the said Rector of Ratisbon by Fr. Virgil Cepari in the letter which he wrote and signed at Rome on the 26th January 1628 and which was sealed with the customary seal of the Society of Jesus. This seal I myself have seen and recognised. Witnesses of this matter are the Fr. Frederick Hundsipis priest of the Society of Jesus of the diocese of Constance and the reverend lord Henry Ziegler, priest of the diocese of Ratisbon, who were specially summoned and required so to act by me and by the very reverend the oft mentioned Fr. Rector of Ratisbon. Since this document is written by another I have signed it myself and sealed it with my seal.

SEBASTIAN GEORGE ZORZIUS.

AT RATISBON: *5th April*, 1628.

The letter of commission from the very reverend Fr. Virgil Cepari, mentioned in the instrument of Proctorship, is as follows:

To the reverend father in Christ Nicholas Gall of the Society of Jesus, Fr. Virgil Cepari of the same society sends greetings.

I have been appointed by the very reverend Fr. Mutius Vitellesco, General of the Society, as the Procurator of the cause of Beatification and Canonization of Fr. John Ogilvie of happy memory, a priest of the Society of Jesus,

who was slain in 1605 in Scotland out of hatred for the holy Roman Catholic and Apostolic faith. I have been given faculties, as I learn here from legal documents in the Roman Curia, to substitute one or several proctors at my will, who can depone and testify to his life, character, death, and cause of death so that an information process therefore can be drawn up and completed before the most illustrious Ordinary or his Vicar General. I therefore choose and name your reverence or such other as you before a notary and two witnesses shall depute, to be Proctor in this cause and agent in this matter. Your Reverence then, or the person chosen and deputed by you, should do in this cause whatsoever I should do, or ought to do, or should say must be done if I were present, according to the instructions which I send you. When the process is completed see that it is signed and published with the appointed and accustomed solemnities, so that certification may be made in the Roman Curia, and then let it be forwarded to Rome. In testimony thereof I have written and signed this mandate of Procuration with my own hand, and have sealed it with the customary seal of our Society this 26th day of January 1628.

The document constituting Fr. Virgil Cepari Procurator in the aforesaid cause of Beatification and Canonization of Fr. John Ogilvie of happy memory runs as follows:

In the name of God, Amen.

Know all men by these presents. In the year of our Lord 1627, Indiction ten, 27 August in the fifth year of the Pontificate of our Lord Urban, Pope by divine Providence, in the presence of me, a public notary, and of the underwritten witnesses specially summoned for the purpose, the very reverend Virgil Cepari professed priest of the Society of Jesus was appointed procurator to carry out the matters mentioned below and the appointment was set forth by document which I received and which ran as follows:

[The authority for Fr. Cepari to act as proctor is the same as that quoted in the Roman Process, pp. 259-263.]

In virtue of this instrument or mandate of Proctorship and by the power and authority thereof, the very reverend Fr. Virgil Cepari of his own free will and knowledge in the best, most valid and effective manner possible appointed in his room the very reverend Father Rector the College of the Society of Jesus at Hereford. The latter is to use this authority for all the purposes of the Canonization and Beatification of the said fathers of the venerable society of Jesus and particularly for that of Fr. John Ogilvie the Scotsman. He is to do all things which Fr. Virgil Cepari himself could do, and the latter bestows on the very reverend the Rector of the College of the Society at Hereford his proctorship with all the power attributed to him in virtue of the mandate from the said most reverend Fr. Mutius Vitellesco, General of the whole venerable Society of Jesus, unless and until he shall expressly revoke the same. Fr. Virgil Cepari however protests that he will not so revoke the same for anything which the Procurator substitute may happen to do in court or elsewhere unless he has made express and special mention thereof.

Concerning all and each of which I the undersigned notary public was asked to draw up one or more public records.

This was done in Rome in the House of the Venerable Society of Jesus on the day, month, year, indiction and pontificate as above.

There were present, as witnesses summoned for that purpose, the lords Antonio Gerard a Roman, and Peter Cotennio of the Diocese of Namur.

And I John Joly etc.

[John Baptist Cocinnus S.T.D. Chaplain of our lord the Pope, Auditor causarum of the Apostolic Palace and Dean of the Rota, witnesses the signature of John Joly and attests his office, probity and reputation (1st September, 1627).]*

The request for citation was as follows:

To the Vicar General of the Bishop of Würzburg, Judge Ordinary.

As I am Procurator Substitute, by documents shown legally appointed, to enquire concerning Fr. John Ogilvie.

As two reverend fathers in Würzburg, Sylvanus Main and James Heygate O.S.B. knew him, I ask that they and such others as I know may be summoned and examined, that you would examine them and appoint a notary and a cursor for the depositions and the citations.

I hope that the Actuary Ordinary of the Court will complete these documents for me, and I have asked R. P. John Mayer, priest of our Society and Mr. John Eussemann and Mr. John Limperdt, priests of the household of the lord Bishop, to witness them for me.

JOHN BIEGCISEN, Rector of the College of Jesuits.

2 *May* 1628, AT WÜRZBURG.

Questions.

1st. Of name, surname, parents, country, age, and profession.

2nd. Whether he confessed his sins and communicated this year at Easter, where, and whether he is under any excommunication.

3rd. Whether he has been warned to depone for love or hate, for reward or promise.

Articles.

1. Whether he knows that Fr. John Ogilvie was ever on this earth and how he knows. Similarly as to the place, time, and corroboratory witnesses.

2. Whether he knows that Fr. John Ogilvie was in Scotland and how he knows and for what cause he was there.

3. Whether he knows that Fr. John Ogilvie was a religious of the Society of Jesus and persevered till death in that religion and how he knows.

4. Whether he knows that Fr. John Ogilvie converted many from heresy to the true faith and obedience of the holy Roman Church and how he knows.

5. Whether he knows that Fr. John Ogilvie was seized and imprisoned, by whom and at whose command, at what time and place, for what cause: how he knows this and what corroboratory witnesses are there.

6. Whether he knows how long Fr. John Ogilvie was kept in prison, whether he suffered much, and how he knows it.

7. Whether he knows who else were detained in prison with Fr. John Ogilvie, for what cause these others were detained, and how he knows it.

8. Whether he knows that Fr. John Ogilvie bore all his discomforts and sorrows not only patiently and firmly, but even with the greatest courage and joy for the love of God; and how he knows it.

9. Whether he knows that Fr. John Ogilvie was condemned to death, by whom and for what reason. At whose order and to what kind of death he was condemned; whether he knows that the sentence was published and promulgated and ordered to be executed; how he knows this.

10. Whether he knows that Fr. Ogilvie was hanged, where, on what day, in whose presence it was done; whether Fr. Ogilvie was urged before his death by anyone to renounce the faith to escape death; how he knows this.

11. If he knows that Fr. Ogilvie persevered till the end of his life piously and firmly in the Catholic faith and suffered death for faith in the true God; how he knows this.

12. Whether he knows that public opinion and report is that Fr. Ogilvie truly died a martyr and whether he is so held by the Catholic people; how he knows this.

13. Whether there is any other explanation, for example

that Fr. Ogilvie did not die a martyr, nor for the faith, but for some crime of his own or for some other charge made against him, or not on account of his piety and love of God but for other human reasons; what he himself believes or knows or has heard said; how he knows this.

14. Whether he knows anything else to depone concerning Fr. Ogilvie, as for example, whether he saw the sentence of death, or heard the official announcement of the cause of the sentence, what words he read or heard, what was done with Fr. Ogilvie's body and remains. Whether anything was done to these out of hatred to the faith; whether he knows that Fr. Ogilvie's remains or the things which he had used are held in veneration and preserved as the relics of a martyr, etc. And how he knows each of these things, And the place, time, and corroboratory witnesses of his knowledge.

After the Citation requested had been granted, the very reverend and most learned lord the Vicar General warned Mr. Philip Nötter, cursor ordinary of the Consistory Judge, to exercise his office faithfully and deputed him to serve the Citation.

And at once the reverend John Biegcisen, legal proctor in this cause, in order to expedite the citation, asked the most learned master George Neidlein, sworn Proctor Ordinary of the Würzburg Consistory, to issue the same with all speed and to hand it to the cursor for delivery.

The aforesaid rector as appointed Proctor authorised the Proctor ordinary already mentioned to issue the completed summons and to bring the witnesses in his name. The reverend Fr. John Maier priest of the Society of Jesus and the reverend lords John Eusseman and John Limpert of the household of the Prince Bishop of Würzburg acted as the necessary witnesses.

Citation was in following form:

John Riedner etc. At instance of John Biegcisen. Peremptory summons to Frs. Sylvanus Main and James

Hegate O.S.B., to appear before us on Thursday 4th May in the accustomed place of the Ecclesiastical Council about the Hour of Prime, to give evidence concerning Fr. John Ogilvie according to interrogatories and articles.

Executed on 2 May 1628 by PHILIP NÖTTER, Cursor.

On Thursday the 4th May Mr. George Neidlein at the request of the reverend Father Rector of the College of the Society of Jesus at Würzburg, by virtue of the appointment made on 2nd of the month, put into court the citation against the reverend Fathers Sylvanus Main and James Hegat, religious of the order of S. Benedict, to give and speak true testimony in the cause of the commission issued from the Apostolic See for a perpetual memory of the life, character, and martyrdom of the reverend Fr. John Ogilvie of happy memory, a former priest of the Society of Jesus; which citation he asked to be registered as the cited witnesses were present, and that they should be admitted to give evidence.

The witnesses being summoned appeared in the presence of the Masters John Eusseman and John Limpert of the household of the most reverend and illustrious Prince Bishop of Würzburg, who had been summoned specially as witnesses of the Act and to see the cited witnesses sworn.

Fr. James Hegat handed in a dispensation for the faculty of sworn evidence as follows:

The prior of the Monastery of S. James of Scotsmen at Würzburg in absence of the very reverend the Lord Abbot gives to Fr. James Hegat of the order power to give evidence to truth in the cause of Fr. John Ogilvie.

4th May 1628. ROBERTUS, Prior.

[Seal of S. James's Monastery.]

Fr. Sylvanus Main handed in a general licence from the commissaries of the congregation of cardinals deputed for causes in England and Scotland.

When these licences had been heard the aforesaid witnesses were bidden each to take the following oath, with their hands to their hearts.

I N. swear and profess that in the cause of the apostolic commission at the instance of the reverend Father Rector of the College of the Society of Jesus, as appointed Proctor concerning the life, character and death of the reverend Father Ogilvie of happy memory, a former priest of the Society of Jesus, I will speak the truth on the articles and interrogatories set forth and will conceal nothing nor will I make deposition for hate, love, favour, or fear; so help me God and the Holy Gospels of God.

When the oath was administered they were sent away and the witnesses to swear to seeing those cited made their depositions. Then was each cited person brought in singly and examined.

The first witness answered the questions.

In answer to the first point, he said that his name in the world was John, but now in his Profession of Religion it was Sylvanus. His surname was Main and he was a native of Scotland. His father was called James Main and his mother Janet, in the City of Glasgow. He was now forty-five years of age and his calling which he entered at Würzburg was that of a religious of the Order of St Benedict.

He is just in the act of travelling to Scotland to strengthen the Catholics in their faith and to win back heretics.

In answer to the second point, he made his confession at Easter and celebrated Mass, as a priest is bound to do. In accordance with the rules and practice of his order, he makes a habit of celebrating Mass almost daily, unless some cause prevents him. So far as he is aware, since being reconciled with the Church he has never been excommunicated, from the time when he was converted to the Catholic Faith.

In answer to the third point, he is not influenced by

hate, love, favour, or fear to give his evidence, but as he is asked to appear as a witness and to tell the truth he is prepared to testify.

Then they came to the *Articles*.

I. In answer to the first article, he first of all replied in the following general terms. He recognises the pamphlet printed at Ingoldstadt in the year 1616 A.D. (which he held in his hands and displayed before the Court) as being a true copy of the Autograph Account written by the Martyr and sent to him by the Martyr from his prison about eight days before his death. Naming himself, it begins as follows: "*Domine amice mi*," and ends with the words "*alios uero non item*." For the autograph itself is kept at Bordeaux at the house of the Fathers of the Society of Jesus where, in the presence of Robert Heygate and Archibald Schilk his fellow-prisoners, he deposited it, in accordance with the instructions of the Martyr himself, which were to the effect that he was to hand it over to the first Rector of the Society whom he visited. All the contents of that pamphlet were either written by Fr. Ogilvie with his own hand as aforesaid, or were added by witness himself to the end of the pamphlet in question, dealing with the judicial proceedings and manner of his death. This account begins with the words "*Narrant autem*" and ends with "*corpus non fuisse ablatum*," and these things he either saw with his own eyes and heard with his own ears, or learnt from the most reliable and consistent narratives of others, heretics and Catholics alike.

Coming down to particulars, he testified that he knew Fr. John had existed on this earth because of the intimacy which he had with him in conversation, and at table, and in the participation in the sacraments and other exercises of the Catholic faith with others who were in prison with him—namely, Messrs. James Foret and his brother Thomas, Robert Heygate, William Monteith, Mathew Adam and others at Glasgow for one month before he was seized by

the heretics. Two of these, Thomas Foret and Robert Heygate, are now living in Belgium, following the profession of soldiers. The above-mentioned incidents took place in September in the year of our Lord sixteen hundred and fourteen.

II. As to the second article, his evidence was as above.

III. As to the third point, he knew that Fr. Ogilvie belonged to the Society of Jesus from the account given by himself. Moreover it is clearly established from the pamphlet previously mentioned, and also from other letters written by Fr. Ogilvie and sent from his cell to witness and others who were in different cells. These letters were carried by the wives and maidservants who attended on them in prison, and who whenever a chance presented itself delivered or received letters through the interstice left between the step and the door of the prison when the door was shut. One of these letters was written by him* to the Rev. Fr. Ferdinand Alberi, afterwards Vicar General of the Society. In this he hails the latter as his Father in Religion, and calls witness his son and commends him to Fr. Ferdinand. Another he wrote to the Rev. Fr. Alphonsus Cavillo afterwards assistant at Rome and it began: "Aliter mecum agitur, mi pater, quam cum R. P. Provinciali Graccii Brunnae et Viennae."

Also corroboration of this same fact is to be found in many places in the pamphlet mentioned above, and there is the recommendation which he† sent to witness when he suspected that he was going to be baulked of his martyr's crown and sent into exile. Finally, the Rev. Fr. John in the presence of the heretics freely admitted that he was a Religious of the Society of Jesus.

IV. As to the fourth article, he had learned from the unimpeachable account given by others that Fr. Ogilvie had toiled profitably on behalf of the Catholic Faith for

* Fr. Ogilvie. † Ogilvie, apparently.

two years in Britain, spending most of that time in Scotland. He exerted himself even among the nobles, lairds, and knights, and in the very city of his martyrdom he had just a short time previously reconciled five to Holy Church (of whom the witness himself was one). To these he secretly imparted the sacraments of Penance and Communion in the house of Marion Walker, a widow living in Glasgow, who afterwards was evicted from her house because of her religion and died in a strange house, where she was kept under surveillance. This happened a little before the martyrdom of the Rev. Fr. Ogilvie.

V. As to the fifth article, at the time of the arrest of Fr. Ogilvie, witness himself was in that very city and saw him imprisoned by the Archbishop of the city in question, who was a most deadly enemy of the Catholic Religion, with the assistance of certain nobles, together with the Provost and Magistrates of the City, on October 14th 1614. On the next day, or the day after that, witness himself and thirteen others were arrested for the particular reason that they had heard masses said by the Rev. Fr. Ogilvie and had harboured him in their homes. Their names were James Stuart, Duncan Semple, John Wallace, James and Thomas Forret, Robert Heygate, Andrew Schomer, Archibald Muir, Archibald Schilk, William Monteith, Mathew Adam, Marion Walker, and Adam Boyd who betrayed the others.

VI. As to the sixth article, Fr. Ogilvie was kept in prison from the first date of his imprisonment mentioned above until he was taken by the said Archbishop at the beginning of December to the Supreme Court of the Realm in Edinburgh. After he had suffered various tortures there, witness saw him brought back at the end of December to the prison already mentioned, where he remained, loaded with heavy iron chains, until the day of his martyrdom, which was on March 10th 1615.

VII. As to the seventh article, Fr. Ogilvie was appre-

hended, together with witness himself and the thirteen others mentioned above, on the charge already stated, and they were lodged in a very strong prison of the realm in the neighbouring castle. Witness himself, together with Robert Hegate, William Monteith and Mathew Adam, was lodged in the very strongest part of that same prison directly opposite the place were Rev. Fr. Ogilvie had been seized, and separated from it by a certain narrow intervening walk. All of these fellow-prisoners of Fr. Ogilvie were condemned to the scaffold on account of their Catholic Faith, and those who had harboured them in their houses were sentenced to be quartered as well. The sentences of all except the Rev. Fr. John Ogilvie were reduced and commuted.

VIII. As to the eighth article, Fr. Ogilvie maintained a most determined and invincible spirit amid all his tortures and he endured maltreatment, insults, blows, and all kinds of punishment with a cheerful countenance, and even with witty remarks, to the amazement of his enemies themselves. The following incident serves to illustrate others. When, on one occasion, they fastened him to a heavy iron bar which they attached to one of his legs by means of an iron ring and then pressed tightly against the shin-bone, the martyr was actually compelled to utter a slight cry of pain. The Lord Mentos then hinted that they would not stop until they had broken the bones and forced out the very marrow. Thereupon he at once stretched out his shin-bone and urged them to try their very worst that their fury was capable of, for he was prepared to endure everything. Thus, in his sufferings he showed himself always remarkably gentle and patient, but in controversial discussions he proved to be a most vigorous and doughty champion of the Faith. In fact, just a little time before his death he wrote to witness a letter full of encouragement and comfort, in which he expressed his joy at the firm stand made by witness for the Faith and exhorted him as

follows: " Let our weaker brethren be strengthened both by precept and example."

IX, X, XI. As to the ninth, tenth, and eleventh articles, he embraced them all in a single reply. At the time of Fr. Ogilvie's death (which he was not allowed to witness although it took place not a hundred yards distant from where he was) he consulted all his friends who were present, both Catholics and heretics, and they all with one accord made the same faithful report of the proceedings as is contained in the printed pamphlet. Moreover he requested some of them to make an exact note of everything and testifies that all these details as published are most true, and further that it is impossible for anyone to be so brazen as to attempt to trump up any other reason for his being put to death, than the fact that he had been a most keen champion of the Papist religion; and indeed it was on this ground that the preachers themselves, who were present at his execution, accused him of being guilty of treason simply because he had celebrated Masses in defiance of the laws of the Assembly, had been preaching Papist dogmas, and had claimed that the Pope was the head of the Church within those realms and dominions.

Dealing with the burial and what happened to the body his evidence repeated what is said in the pamphlet.

When all these sworn statements had been taken down and completed, the aforementioned witness signed them in his own hand as follows:

" I Fr. Sylvan Mayne, a Scot and a Priest of the Order of St Benedict, do hereby testify with my own hand, that as a summoned witness I have given my evidence just as it is written down in accord with the truth of the matter, and these statements are true."

He then displayed the copy of a letter written to him by Rev. Fr. John Ogilvie which read as follows:

CATHOLIC READER,

Pax Christi. I, John Ogilvie, priest of the society of Jesus, taken prisoner three months ago in the cause of the true Faith together with the bearer of this letter, Mr. John Mayne, Master of the liberal arts, am lying in Glasgow gaol, laden with heavy iron fetters of more than a hundred pounds weight, awaiting execution.

I certify that the bearer of this letter, whom I have mentioned above, has undergone many sufferings in prison and has lost his fortune and been banished from his native country on account of his loyalty to the true Faith, and by the sentence of the judges has lost his position and livelihood.

Therefore if the King is shamed into changing his sentence of death or punishment to one of exile, Catholics will be mindful of Christian Charity and see that he lack nothing of the necessities of life, who in the cause of Christ heard the sentence of death being pronounced against him by the lips of the judge.

This letter I am writing secretly and hurriedly while in solitary confinement in Glasgow, January 28th, 1615.

Signed by the same JOHN OGILVIE of the Society of Jesus.

This copy also bore a signature underneath, as follows:

Under my seal.

I, William Lesley, priest of the Society of Jesus, am presently a witness of the fact that this testimony is in the handwriting of the aforesaid Fr. John Ogilvie of the Society of Jesus, martyred in Scotland.

In proof of that fact I have written this and stamped it with the seal of our society at Rome, 11th June 1616.

Witnesses: John Ridnerus, Joachim Ganzhorn, Philip Martin Haubeschmidt.

In continuance, in the same place, and on the same day and about one hour later, there appeared the other witness

who had been summoned, and on being examined he gave evidence as follows:

In answer to the first series of questions, these were the replies of this second witness.

In answer to the first question, he said that his name was James Hegate from Scotland, that he was born in the city of Glasgow, his father being Archibald Hegate and his mother Elizabeth Oswald and that he is fully twenty-six years of age. His calling which he entered at Würzburg is that of a religious of the order of St Benedict, and for the time being he is living in that same place.

In answer to the second, he declared that he had confessed at Easter and had celebrated Mass even on that very day, the feast of St Robert of the order of St Benedict. His parents although Catholics had not instructed him in the Catholic faith, for fear that perchance they should betray themselves. When he was about fifteen years of age he had come to the college of Douai where he was instructed regarding the Catholic Religion. As far as he knew he had never been excommunicated.

In reply to the third, he would testify only what was true as far as he could in this whole matter.

Then they came to the articles.

I. As to the first article, he replied that he had seen the Rev. Fr. John Ogilvie at Glasgow and that he had still had in his possession letters written by Fr. Ogilvie himself at Edinburgh on the 16th of August in the year sixteen hundred and fourteen, before he was put into prison with several others.

II. As to the second, his reply was the same as the above, because Fr. Ogilvie had come there to win back heretics and to strengthen Catholics in their true religion.

III. As to the third, this was shown by the autograph letter (which he greatly prized, and of which he displayed the original) bearing the signature "John Ogilvie of the Society of Jesus."

IV. As to the fourth, he was convinced of this because he saw his other fellow-prisoners being led out with him.

V. As to the fifth he was taken prisoner by a servant of the Archbishop of Glasgow (this servant being called Andrew Hay, an exceedingly tall man) by the order of that same Archbishop, on the sixth day of October in the year sixteen hundred and fourteen, and taken to prison, on the ground that he had said Masses, at which other people also were present.

VI. As to the sixth, at the same time as Fr. Ogilvie was imprisoned witness himself was in the city and heard from others about the Reverend Father's sufferings.

VII. As to the seventh, witness saw fourteen others being arrested and imprisoned with this same Father on the above-mentioned charge. Among them was his own brother, Robert Hegate, whom he visited very often in prison without being molested. The others were the Rev. Fr. Sylvanus Main, who is now a religious of the Order of St Benedict, but at that time was a layman, James Stuart, James and Thomas Forret, who were brothers, Duncan Semple, Andrew Sommer, John Wallace, Archibald Muir, Archibald Shilk, William Monteith, Mathew Adam, Marion Walker (who died while in custody), and Adam Boyd who betrayed the rest but is now considered a worthless creature and has no reputation whatsoever.

VIII. As to the eighth, so extraordinary was his patience that heretics as well as Catholics were astounded.

IX. As to the ninth, witness himself in the following manner heard that Father Ogilvie was condemned because of his Catholic Faith. When the Martyr was brought to the place of execution and had bowed his head at the foot of the steps intent on prayer, a certain heretic minister named Master Robert Scot, while the Reverend Father was praying, announced to the people that he was then being put to death on charges of treason. Rev. Fr. Ogilvie replied from the steps and proclaimed that he had never

attempted anything against the King, and was prepared to shed his last drop of blood in his defence, and that he was being put to death on account of the Catholic religion alone, for which he was willing to die a thousand deaths. Witness added that he himself was present at the scene of the execution at that time, when by the King's command as was said, Fr. Ogilvie was to be hanged, while his fellow-prisoners were reprieved, their punishment now being that they were compelled to pay a ransom for their life or be driven into exile.

X. As to the tenth, he himself saw Fr. Ogilvie being pushed off the steps that were affixed to the gibbet or scaffold which had been set up in the public square of Glasgow near the Town Hall. There were present several thousand people who had flocked there from Scotland, England and indeed all parts. Moreover such cries of sorrow and expressions of sympathy were heard there, that the Minister mentioned above, Master Robert Scot, at a sermon preached on the following Sunday, at which he (witness) was present, upbraided the people for evincing such signs of grief on account of the death of a Papist priest. Further, although it is customary in Scotland for the hangman to stand upon the shoulders of persons who have been hanged in order to strangle them more quickly, yet out of respect for this Reverend Father, the official would not stamp on his shoulders, but instead, descended the steps and pulled him by the feet in order to strangle the victim more quickly.

XI. As to the eleventh, he was convinced of the perseverance of the Martyr because of the fact that when the Minister put to him the question whether he still upheld the teaching of the Papists regarding the worship and invocation of the Saints, Fr. Ogilvie replied that he most firmly believed the traditional teaching of the Catholic Church, and in testimony of this he recited in a clear and distinct voice the Litany of the Saints, first of all in the

Latin, and afterwards, in order that the people might understand, in the Scottish tongue. This witness himself heard, for he was at a distance of less than seven or eight paces from the place of execution.

XII. As to the twelfth, he had not heard a different account from anyone; the martyr's reputation had been spread abroad all over Scotland, so much so that some people in their own private devotions even invoked him just as they would with other saints as their special Patron.

XIII. As to the thirteenth, the cause of his being hanged was the fact that he was a Catholic and that he celebrated Masses. In proof of this he mentioned that the scaffold or gibbet, on which Rev. Fr. Ogilvie was hanged, was brought to the Town Hall to be used for hanging other Catholic priests upon it; so that it passed into a common proverb in that city and heretics were wont to say as a gibe to those suspected of being of the Catholic faith: "You will ride on Master John Ogilvie's mare" meaning "you also will be hanged for professing the Catholic Faith."

XIV. As to the fourteenth, witness was present, as mentioned above, at the place of execution, and saw Fr. Ogilvie both at the moment of death and after he died. The body was buried two hours after his death in the burial ground where those who had died of the plague used to be interred. This was done out of hatred for the Catholic Faith. Hence a report later arose to the effect that the body was taken away from there; but regarding this the witness professed no definite knowledge.

When these depositions had been made and recorded, the witness already mentioned signed them with his hand according to the following formula:

"I, James Heygate, a professed priest of the order of St Benedict, testify with my own hand as a witness who has been cited, that what is written above is my true testimony and that the facts are as there stated."

Further, the copy of the letter which he had displayed, written and signed by the hand of the Rev. Fr. John Ogilvie, runs as follows:

"The bearer of this letter, John Baptist Tod, desires to have his son Richard Tod liberally educated, and as the best training, both religious and secular, is that supplied in the Seminary at Douai, he has requested me to furnish him with a letter to your Reverence asking that his son be admitted to the Seminary. He is prepared to meet the expenses that will be incurred by your Reverence in connexion with his son's education.

"Therefore on account of the affection which your Reverence cherishes for me, and also out of a sense of patriotism, your Reverence will show him every kindness and graciously grant his son admittance at whatever price will be agreed upon between you.

"For this Andrew Tod is a friend of mine, and always performs towards our Society any kindly offices within his power. I hope therefore that his own excellent qualities aided by my own words of recommendation will entitle him to obtain from your Reverence everything that wisdom and charity dictate and right reason demands. I commend myself to the prayers of your Reverence.

"Dated Edinburgh, August 16th, 1614.

"Your Reverence's Servant in Christ,

"JOHN OGILVIE of the Society of Jesus."

On the outside is the address as follows:

"To the Reverend Father in Christ George Christius Priest of the Society of Jesus at Douai."

Signatures:

Witnesses. JOANNES RIDNERUS,
JOACHIM GANZHORN,
PHILIP MARTIN HAUBESCHMIDT.

Philip Martin Haubeschmidt certifies contents as notary.

Joannes Mohr, notary, certifies also.

Joannes Ridnerus signs and seals.

Jodocus Bishop of Augsburg, suffragan of Würzburg, attests that notaries were asked to send the aforesaid and are well known and reputed and qualified notaries.

His seal affixed by Michael Notzel, Notary.

D.—Reply of the Sacred Congregation of Rites on the State of the Cause of Father Ogilvie.

The question put before the Congregation of Rites is this: "The question asked is whether you have the decree for the introduction of the cause of Fr. Ogilvie? and if such a decree does not exist, at what stage does the cause now stand, and what is the position of the process?"

Reply.

In the name of the Jesuit Order petition was made that enquiries invested with authority from the Ordinary should be held, dealing with the martyrdom of Fr. Ogilvie of the same Order with a view to obtaining letters remissorial, and the Holy Congregation granted them to His Excellence Cardinal Colonna on the 27th day of January 1629:

"In the cause of the Martyrdom of Fr. John Ogilvie of the Society of Jesus, the Sacred Congregation on the motion of His Excellence Cardinal Colonna granted Letters Remissorial in the usual form, but ordained that they should not come into operation until after consultation with His Holiness, May 5th 1629."

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